

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2015-0112 – The Village on Triangle Avenue

**DISTRICT:** 9

**REQUEST:**

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by zoning the property locally known as 4517 Triangle Avenue (Waller Creek Watershed) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to Multifamily Residence – highest density-conditional overlay (MF-6-CO) combining district zoning.

The conditional overlay will restrict the number of multifamily dwelling units to 254.

Staff recommends that the streetscape design elements established in the Triangle Development Regulating Plan be implemented through a public restrictive covenant. Therefore, a public Restrictive Covenant will require compliance with LDC 25-2, Subchapter E, Article 2, Section 2.2.2 (*Core Transit Corridors: Sidewalks and Building Placement*) including the requirement of providing benches, shade trees, pedestrian scaled lighting and landscaping between the street facing facade and the required clear zone.

**PROPERTY OWNER:** SV Triangle LP (R. Warren Walters)

**AGENT:** McLean & Howard, LLP (Jeff Howard)

**DATE OF FIRST READING/VOTE:** December 10, 2015; Approved MF-6-CO zoning on 1<sup>st</sup> reading, per passage of the consent agenda [D. Zimmerman / D. Garza-2<sup>nd</sup>] (10-0). ABSENT – Mayor Adler.

**CITY COUNCIL DATE:** March 3, 2016

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Victoria Haase

**PHONE:** 512-974-7691

**EMAIL:** [Tori.Haase@austintexas.gov](mailto:Tori.Haase@austintexas.gov)

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2015-0112 – The Village on Triangle Avenue

**Z.A.P. DATE:** December 1, 2015

**ADDRESS:** 4517 Triangle Avenue

**DISTRICT AREA:** 9

**OWNER/APPLICANT:** SV Triangle LP (R. Warren Walters)

**AGENT:** McLean & Howard, LLP (Jeff Howard)

**ZONING FROM:** GR-MU-CO

**TO:** MF-6

**AREA:** 1.452 acres (63,249 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION (REVISED):**

The Staff recommendation is to grant Multifamily Highest Density-Conditional Overlay (MF-6-CO) combining district zoning. The conditional overlay will limit multifamily dwelling units to 254.

Staff also recommends that the streetscape design elements established in the Triangle Development Regulating Plan be implemented through a public restrictive covenant. The Applicant is agreeable to Staff's recommendation.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

December 1, 2015;

*Approved MF-6-CO with conditions read into the record that  
1.) multifamily use will be limited to no more than 254 units, 2.)  
streetscape design elements, as per the Triangle Square  
Development Regulating Plan, will be required, per passage of the  
consent agenda [B. Evans / S. Harris-2<sup>nd</sup>] (10-0).*

**ISSUES:** None at this time.

### **DEPARTMENT COMMENTS:**

The subject tract is 1.45 acres of land out of the development known as The Triangle Square Development but more commonly referred to as "The Triangle" comprised of approximately 22 acres of land located in the area bound by Guadalupe Street, Lamar Boulevard and W45th street (see exhibit B). The property is mostly surrounded by publicly owned land. To the north, east and immediately south is the Triangle Commons Neighborhood Park; further south is a privately owned rehabilitation hospital; and to the west is a State children's psychiatric facility or hospital (general) use. The property to be rezoned is undeveloped and has been used for parking associated with events and uses in The Triangle. Driveway access to the property does not exist and therefore vehicles drive over the curb at the northern property line to gain access.

Multifamily Highest Density (MF-6) district zoning has been requested in order to develop the property with a congregate care facility of up to 90 feet in height and will include an underground parking garage. The facility will provide senior housing with unit options ranging from independent

living to 24 hour assisted living and patient care. The proposed development estimates 322,178 square feet of building space comprised of 206 dwelling units.

In 1997, The State of Texas entered into a lease agreement with Triangle Retail, Inc. in order to develop the land to benefit the Texas Department of Mental Health and Mental Retardation. Zoning case C14-97-0146 was filed with the City to establish Community Commercial-Mixed Use-Conditional Overlay (GR-MU-CO) zoning but would not impose all of the standard uses and site development regulations established by the City's GR zoning district. City Council denied the zoning request and the 22 acres remained unzoned. Later, in 2001, the State issued a Board Order that established GR-MU-CO combining district zoning for the Triangle Development that included specific site development regulations (see Exhibit D, pg. 7, *Part 2*). The Board Order was revised in 2004 (see Exhibit E). While the property never received official zoning through the City's zoning process, the Board Order still applies and was used as the regulating document for the build out of The Triangle Development.

Most of the property within The Triangle remains State owned and is leased to private businesses. The exception includes the Triangle Commons Park, which was deeded to the City in 2005, and this subject tract that was sold to private ownership some time ago. All 22 acres, except for the subject tract, have been developed in accordance with The Triangle Development Plan and include various low to mid rise mixed use buildings with retail and commercial uses on the ground floor and residential dwelling units on the upper floors.

Per the Triangle Development Plan, the subject tract was to be developed with 2 buildings; labeled E and D on the Triangle Site Plan (see Exhibit C). The State Board Order established GR as the base zoning for the development which permits congregate living as a use. When considering use alone, a rezoning is not necessary. However, The Board Order also established maximum building heights of 120 feet for building E and 65 feet for building D (see Exhibit E, pg. 6). Therefore, the project would have to be developed as two structures that abide by the established heights, and would include surface level parking only. The Applicant's proposed development is for a single structure with a maximum height of 90 feet, above grade, and will include underground parking facilities. A rezoning is necessary to accomplish the proposed development. The MF-6 district zoning will provide the height needed and permits congregate living as a conditional use only. Approval of a Conditional Use Permit or CUP will be required in order to accomplish the proposed use in this scenario.

The MF-6 zoning district is intended for group residential use and should be applied in areas that are centrally located near transportation and commercial facilities. There are multiple Capitol Metro bus routes and bus stops located very near and at The Triangle Development. Additionally, there are a number of commercial and retail uses such as restaurants, pharmacies, grocery stores and convenience stores that are easily accessible by foot which is beneficial, especially for senior citizens or individuals with disabilities. The proposed use is compatible with nearby and existing medical, civic, and multifamily residential uses. The Triangle Development Regulating Plan established a limit of 794 apartments or lofts. In conjunction, the TIA for the development established a limit on the trips per day based on 794 dwelling units and other uses. To date, 540 units have been constructed leaving a remainder of 254 units that could potentially be constructed on the subject tract and would abide by the trip limitations established by the existing TIA. Therefore, Staff supports the request of MF-6 district zoning and recommends a conditional overlay that will limit the subject tract to 254 multifamily units. To maintain consistent street design and connectivity throughout the Triangle Development, Staff also recommends that the streetscape design elements of the Triangle Development Regulating plan be required. The Applicant is agreeable to these conditions.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Unzoned	Undeveloped
<i>North</i>	Unzoned	Retail and Multifamily Residential
<i>South</i>	CS-CO	Hospital Services – Central Texas Rehabilitation Hospital
<i>East</i>	Unzoned	Multifamily Residential
<i>West</i>	Unzoned	Hospital Services – State Children’s Psychiatric Hospital

**NEIGHBORHOOD PLANNING AREA:** N/A**TIA:** May be required at site plan**WATERSHED:** Waller Creek**DESIRED DEVELOPMENT ZONE:** yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

<i><b>Community Registry Name</b></i>	<i><b>ID No.</b></i>
Shoal Creek Conservancy	1497
Austin Neighborhoods Council	511
Bike Austin	1528
Preservation Austin	1424
Friends of Emma Barrientos MACC	1447
Austin Heritage Tree Foundation	1340
Central Austin Community Development Corporation	1391
Austin Independent School District	742
Friends of Austin Neighborhoods	1530
SEL Texas	1363
North Austin Neighborhood Alliance	283
Sierra Club, Austin Regional Group	1228
45th St. Concerned Citizens	1194
Sustainable Neighborhoods	1396

**SCHOOLS:** Bryker Woods Elementary, O Henry Middle, Austin High**CASE HISTORIES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2011-0109 – Lamar Development; 4527 N Lamar Boulevard	Unzoned to MF-6	7/16/2012 – Apvd MF-6.	05/24/2012 – Apvd MF-6-CO; building height limited to 80 ft.
C14-2010-0132 –	Unzoned to CS-CO	8/17/2010 – Apvd CS-CO.	10/25/2010 – Apvd CS-CO - trips limited to 2,000/day; Indoor



Central Texas Rehabilitation ; 4500 ½ Triangle Avenue			entertainment and day care services are conditional uses; list of several uses prohibited; drive-in service is prohibited except as it relates to hospital services (general) uses.
C14-87-091 – Austin Child Guidance Center; 810 W 45 <sup>th</sup> Street	Unzoned to GO		11/5/1988 – Apvd GO.

**RELATED CASES:**

**C14-97-0146 – TRIANGLE SQUARE DEVELOPMENT**

The subject tract was a portion of the property considered for GR-MU-CO zoning. City Council denied the request on May 14, 1998 due to non-compliance with sections 13-2-220 & 13-5-42 of the City Land Development Code.

**C14-00-2267SL – TRIANGLE SQUARE DEVELOPMENT**

The Austin City Council resolved to support The Triangle Development with passage of Resolution No. 000817-48-A (see Exhibit F) and thereby executed Ordinance No. 000817-48-B (see Exhibit G) which waived development fees, and provided funding for various improvements to be completed as part of The Triangle Development Plan.

**C8-06-0207-0A – TRIANGLE SUBDIVISION**

The subject tract, composed of 1.45 acres, was subdivided from the original 22 acres known as “The Triangle” to become Lot 1 Block A of the Triangle Subdivision recorded in Travis County in April, 2007 (Exhibit H).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Triangle Avenue	47 ft.	25 ft.	Local	No	No	Yes
46 <sup>th</sup> Street	32 ft.	24 ft.	Local	No	No	Yes

**CITY COUNCIL DATE:**

December 10, 2015;

February 11, 2015;

**ACTION:**

*Approved MF-6-CO zoning on 1<sup>st</sup> reading, per passage of the consent agenda [D. Zimmerman / D. Garza-2<sup>nd</sup>] (10-0).  
ABSENT – Mayor Adler.*

**ORDINANCE READINGS: 1<sup>st</sup> – 12/10/2015**

**2<sup>nd</sup>**

**3<sup>rd</sup>**

C14-2015-0112 – City Council – March 3, 2015

**ORDINANCE NUMBER:**

**CASE MANAGER:** Victoria Haase

**PHONE:** 512-974-7691

**EMAIL:** [tori.haase@austintexas.gov](mailto:tori.haase@austintexas.gov)

## **STAFF RECOMMENDATION**

The Staff recommendation is to grant Multifamily Highest Density-Conditional Overlay (MF-6-CO) combining district zoning. The conditional overlay will limit multifamily dwelling units to 254.

Staff also recommends that the streetscape design elements established in the Triangle Development Regulating Plan be implemented through a public restrictive covenant. The Applicant is agreeable to Staff's recommendation.

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*
3. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed zoning is consistent with the purpose statement of Multi-family Residence Highest Density (MF-6) zoning district which is intended for multifamily and group residential use that may be applied in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the highest density multifamily use is desired.

The proposed zoning will allow a development that will satisfy a public need by providing centrally located housing for senior citizens that includes onsite assistance and care and is conveniently located among compatible uses that include major medical institutions, commercial and retail uses and also provided easy access to various transportation options.

## **EXISTING CONDITIONS**

### ***Site Characteristics***

The subject tract is approximately 1.4 acres of undeveloped land. The site does not appear to have any topographical constraints or trees that would be impacted by development.

### ***Impervious Cover***

The subject tract is in the desired development zone and therefore impervious cover limits are established by the zoning district. The tract is currently undeveloped and therefore does not have any impervious cover. If developed under current entitlements outlined by the Board Order, there could be up to 80% impervious cover. The MF-6 zoning district that is requested also establishes a limit of 80% impervious cover.

### ***Comprehensive Planning - Kathleen Fox, 512-974-7877***

The property is not located within the boundaries of a neighborhood planning area.

### **Imagine Austin**

Based on the comparative scale of this site relative to other nearby multi-family and institutional land uses, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

### ***NPZ Environmental – Mike McDougal, 512-974-6380***

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller
2. Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
3. Zoning district impervious cover limits apply in the Urban Watershed classification.
4. According to floodplain maps, there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
6. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
7. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

### ***DSD Transportation – Natalia Rodriguez, 512-974-3099***

- TR1. If the requested zoning is recommended for this site, then the following shall be included as a condition of zoning: "Right-of-way dedication is required along 46<sup>th</sup> Street and Triangle Avenue at the time of subdivision or site plan review, whichever comes first, in accordance with the Transportation Criteria Manual." LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR2. If the requested zoning is recommended for this site, then the following shall be included as a condition of zoning: "46<sup>th</sup> Street and Triangle Avenue shall comply with the Subchapter E - Core Transit Corridor standards and requirements. Additionally, benches, shade trees, pedestrian-scaled lighting, landscaping, and other amenities shall be provided between the street facing façade line and the required clear zone."
- TR3. If the requested zoning is recommended for this site, then the following shall be included as a condition of zoning: "Every effort should be made to make the pedestrian environment safe, accessible and comfortable. Areas where vehicular traffic and pedestrian traffic are in conflict, the design of such areas shall clearly indicate that the pedestrians have the right-of-way. This may be indicated through the choice of materials (i.e. continuing the sidewalk material across the driveway or street), signage, etc."

***Water and Wastewater***

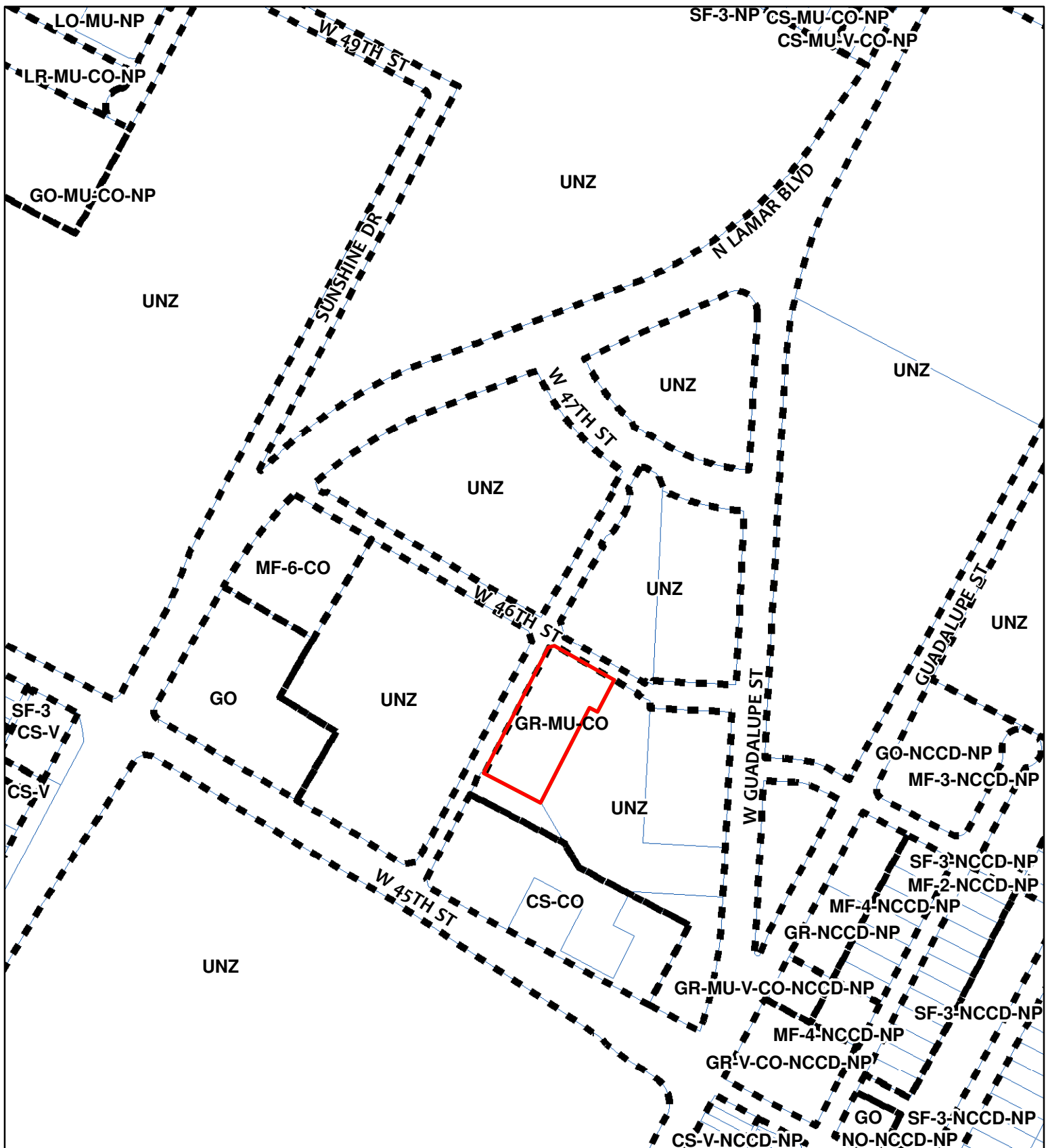
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

***Storm Water Detention***

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

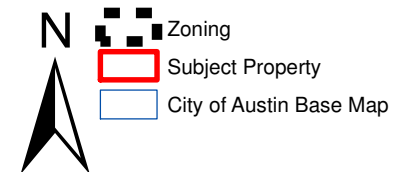
***Site Plan and Compatibility Standards – Nikki Hoelter, 512-974-2863***

No comments.



## ZONING MAP - EXHIBIT A

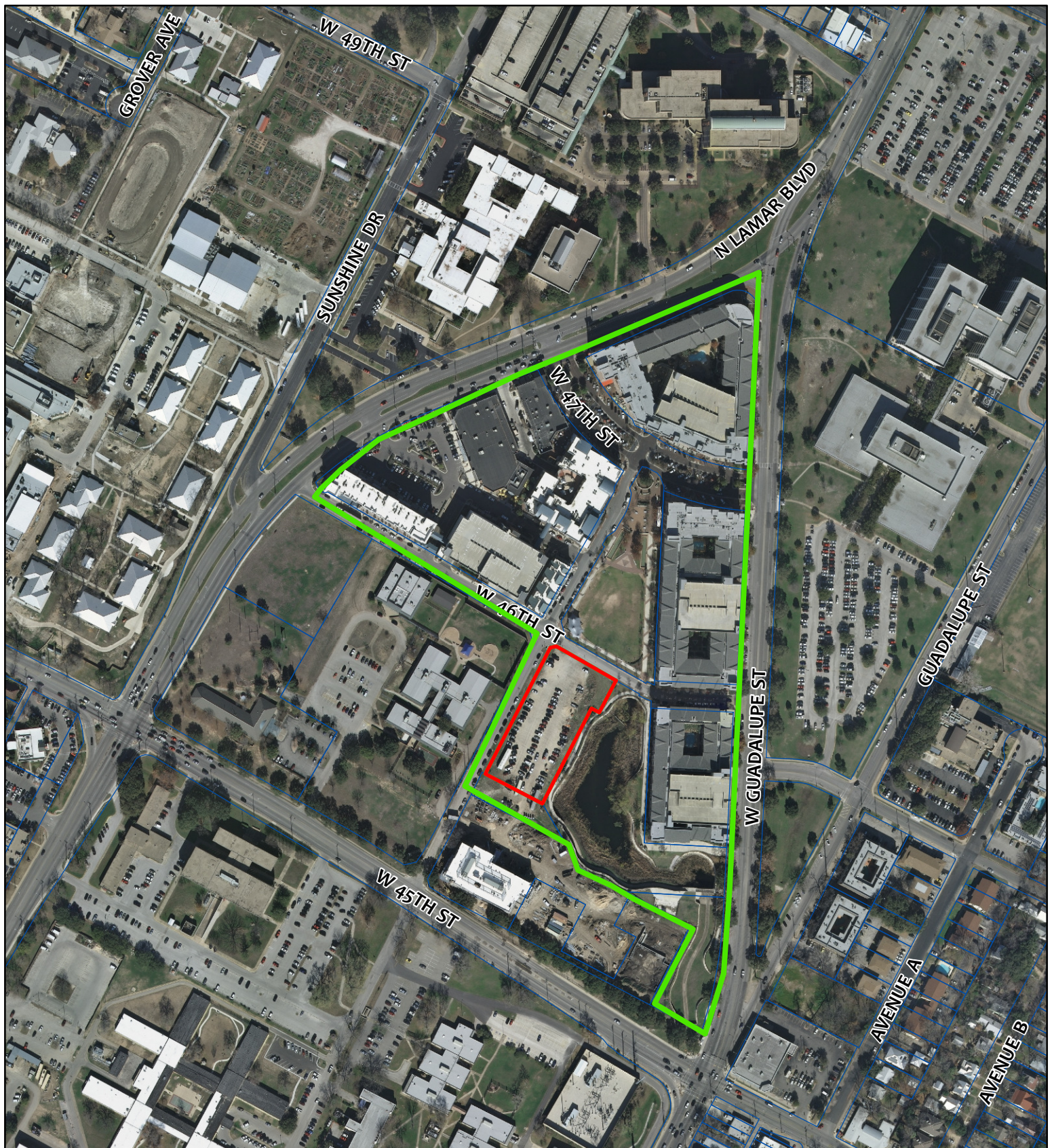
ZONING CASE#: C14-2015-0112  
 ZONING CHANGE: GR-MU-CO to MF-6  
 LOCATION: 4517 Triangle Avenue  
 SUBJECT AREA: 1.452 ACRES



1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







## AERIAL MAP - EXHIBIT B

ZONING CASE#: C14-2015-0112  
 ZONING CHANGE: GR-MU-CO to MF-6  
 LOCATION: 4517 Triangle Avenue  
 SUBJECT AREA: 1.452 ACRES



 Subject Property  
 The Triangle Development Boundary

1' = 400'

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ZONED: UNZ  
USE: VACANT  
OWNER: STATE OF TEXAS



Bldg E

GUADALUPE STREET

(ZONED: UNZ) OWNER: UNIVERSITY OF TEXAS



THE STATE OF TEXAS )

COUNTY OF TRAVIS )

TRV 2001105860  
117 pgs

**ORDER**

**OF THE SPECIAL BOARD OF REVIEW**

**REGARDING THE TRIANGLE SQUARE DEVELOPMENT PLAN**

This Order, with the exhibits hereto, approves a substantial amendment and revision of the Triangle Square Development Plan established by the Special Board of Review to govern the use of a tract of land located in the city of Austin, Travis County, Texas, consisting of approximately 22.144 acres, (the "Triangle Tract"), as provided in Texas Natural Resources Code, Sec. 31.161 et seq. (Vernon 2001)

WHEREAS, pursuant to Chapter 533, Texas Health and Safety Code, the Texas Legislature authorized the lease for non-governmental purposes of certain property belonging to the Texas Department of Mental Health and Mental Retardation ("TDMHMR"), including the Triangle Tract, which is more fully described by metes and bounds in Exhibit "A" attached hereto and incorporated herein,

WHEREAS, on May 15, 1997, the State of Texas, acting by and through TDMHMR, as Lessor, entered into a Lease of the Triangle Tract with Triangle Retail, Ltd., as Lessee,

WHEREAS, on October 13, 1998 the Special Board of Review entered its Order establishing a development plan for the Triangle Tract in accordance with the Texas Natural Resources Code, Sec. 31.166 (Vernon 1998),

WHEREAS, the Texas Board of Mental Health and Mental Retardation on October 26, 2000, authorized the Commissioner of TDMHMR to recommend to the Special Board of Review a substantially amended and revised development plan,

WHEREAS, on March 1, 2001, the Texas Board of Mental Health and Mental Retardation adopted a resolution which recognized that subsequent actions by the Special Board of Review regarding the development plan would be deemed to be approved by the Texas Board of Mental Health and Mental Retardation,

WHEREAS, a majority of the members of the Special Board of Review duly requested a meeting of the Special Board of Review to review the substantially amended and revised development plan of the Triangle Tract,

WHEREAS, public hearing before the Special Board of Review was held on June 18, 2001 and all six members of the Board were present at the hearing,

WHEREAS, the political subdivisions in which the land is located (i.e. Travis County, the City of Austin, and the Austin Independent School District) were duly notified of the public hearing,

WHEREAS, the Triangle Tract is located in only one city, the City of Austin, and only one county, Travis County, Texas,

WHEREAS, the Special Board of Review considered at its June 18, 2001 the Substantial Amendment of the Triangle Square Development Plan as revised through the date of that hearing (the "Plan"), in accordance with rules promulgated by the General Land Office for conduct of such special review,

WHEREAS, the hearing was conducted in Austin, Travis County, Texas, the county where the Triangle Tract is located, and the Board invited and discussed public and governmental input, and

WHEREAS, following testimony and discussion at the June 18, 2001 hearing described in this Order, a majority of the members of the Special Board of Review (hereinafter, the "Board") voted to adopt a resolution and order to approve the Substantial Amendment of the Triangle Square Development Plan, and to delegate to staff of the General Land Office the authority to reduce the resolution and order to a recordable form,

NOW THEREFORE, the Board hereby issues this Order in conformance with its Resolution and with the Texas Natural Resources Code, Sections 31 161-167 (Vernon 2001)

1 The Triangle Square Development Plan as Substantially Amended and Revised in the form attached to this Order as Exhibit "B" together with all of its exhibits, and incorporated herein, (the "Revised Development Plan") is hereby approved and adopted

2 Development of the Land shall be in accordance with the Revised Development Plan and this Order, and must comply with all local rules, regulations, orders, or ordinances except as specifically identified in the Plan and this Order

3 Pursuant to Section 31 167, Tex Nat Res Code Ann, the Revised Development Plan is final and binding on the state, its lessees, successors in interest and assigns, and affected local governments or political subdivisions unless revised by the Board

4 The Revised Development Plan may not be modified by a local government, political subdivision, owner, builder, developer, or any other person without (i) specific approval by the Board, or (ii) as otherwise permitted pursuant to the plan adopted by this Order

5 A copy of the Revised Development Plan shall be filed in the Official Public Records of Travis County, Texas

Given under my hand and seal of office this the 25 day of June, 2001

**SPECIAL BOARD OF REVIEW**  
for the Triangle Square Revised Development Plan

By: David Dewhurst  
David Dewhurst, Chairman, Special Board of Review  
Commissioner, Texas General Land Office  
Chairman, School Land Board

Exhibit "A" Legal Description of Land  
Exhibit "B" Revised Development Plan

**Exhibit "A"**  
**Legal Description of Land**

22.539 ACRES  
POST PROPERTIES  
TRIANGLE TRACT

FN. NO. 01-024 (MJJ)  
JANUARY 19, 2001  
BPI JOB NO. 856-05

**DESCRIPTION**

OF A 22.539 ACRE TRACT OF LAND OUT OF THE FOLLOWING SURVEYS: THE GEORGE W. SPEAR SURVEY ABSTRACT NO. 697, THE JAMES P. WALLACE SURVEY ABSTRACT NO. 789, THE THOMAS GRAY SURVEY ABSTRACT NO. 310 AND THE JAMES ROGERS SURVEY, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 9.00 ACRE TRACT OF LAND CONVEYED TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND RETARDATION BY DEED OF RECORD IN VOLUME 12765, PAGE 12 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO BEING A PORTION OF THE FOLLOWING TRACTS OF LAND: THAT CERTAIN 19 1/2 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS BY DEED OF RECORD IN VOLUME 55, PAGE 247, THAT CERTAIN 88 4/5 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS BY DEED OF RECORD IN VOLUME 55, PAGE 246 BOTH OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND THAT CERTAIN 2.25 ACRE TRACT OF LAND CONVEYED TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND RETARDATION BY DEED OF RECORD IN VOLUME 12765, PAGE 12 OF SAID REAL PROPERTY RECORDS; SAID 22.539 ACRES ALSO BEING A PORTION OF THAT CERTAIN 21.26 ACRE LEASE TRACT OF RECORD IN VOLUME 12980, PAGE 277 OF SAID REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 22.539 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a brass disc found in concrete at the intersection of the westerly line of Guadalupe Street (100' R.O.W.) with the easterly line of Lamar Boulevard (100' R.O.W.), being the northernmost corner of said 9.00 acre tract and the northernmost corner hereof;

**THENCE**, along the westerly line of Guadalupe Street, being the easterly line hereof, the following two (2) courses and distances:

- 1) Along a curve to the left having a radius of 1202.30 feet, a central angle of  $10^{\circ}31'19''$ , an arc length of 220.79 feet and a chord which bears  $S07^{\circ}58'59''W$ , a distance of 220.48 feet to a brass disc found in concrete for the end of said curve;
- 2)  $S02^{\circ}45'07''W$ , a distance of 1358.55 feet to the southeasterly corner hereof, from which a 3/8 inch iron rod found for the point of curvature of a curve to the left bears  $S02^{\circ}45'07''W$ , a distance of 45.93 feet;

**THENCE**, leaving the westerly line of Guadalupe Street, over and across said 19 1/2 acre tract, said 2.25 acre tract and said 88 4/5 acre tract, along the irregular southerly line hereof, the following six (6) courses and distances:

- 1)  $N87^{\circ}15'05''W$ , a distance of 257.93 feet to an angle point;

FN 01-024 (MJJ)  
JANUARY 19, 2001  
PAGE 2 OF 2

- 2) N62°37'05"W, a distance of 123.78 feet to an angle point;
- 3) N30°23'39"W, a distance of 195.56 feet to an angle point;
- 4) N62°37'05"W, a distance of 165.00 feet to an angle point;
- 5) N27°22'31"E, a distance of 362.94 feet to an angle point;
- 6) N59°47'07"W, a distance of 757.25 feet to a point in the curving easterly line of Lamar Boulevard, for the westernmost southwesterly corner hereof;

THENCE, along the easterly line of Lamar Boulevard, being the westerly line hereof, the following two (2) courses and distances:

- 1) Along a curve to the right having a radius of 1078.83 feet, a central angle of 22°55'41", an arc length of 431.72 feet and a chord which bears N57°14'46"E, a distance of 428.84 feet to a brass disc found in concrete for the end of said curve;
- 2) N68°41'04"E, a distance of 897.04 feet to the POINT OF BEGINNING, containing an area of 22.539 acres (981,804 sq. ft.) of land, more or less, within these metes and bounds.

THE BEARING BASIS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATES CENTRAL ZONE NAD 83.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

*Mark J. Jezisek 1/19/01*  
MARK J. JEZISEK, R.P.L.S.  
NO. 5267  
STATE OF TEXAS

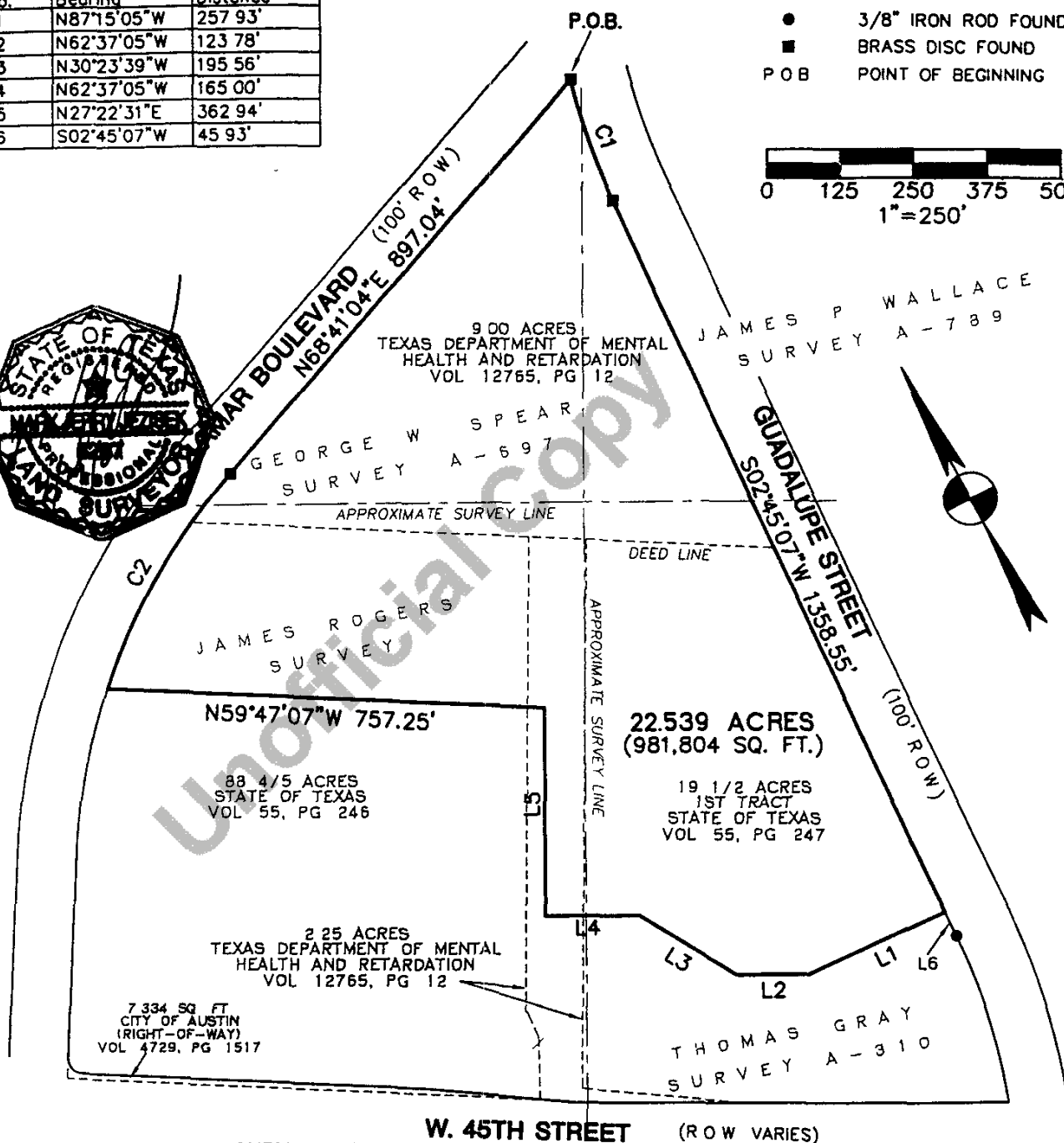
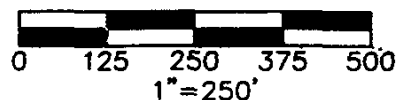


LINE TABLE

No.	Bearing	Distance
L1	N87°15'05"W	257.93'
L2	N62°37'05"W	123.78'
L3	N30°23'39"W	195.56'
L4	N62°37'05"W	165.00'
L5	N27°22'31"E	362.94'
L6	S02°45'07"W	45.93'

LEGEND

- 3/8" IRON ROD FOUND
- BRASS DISC FOUND
- POB POINT OF BEGINNING



W. 45TH STREET (ROW VARIES)

CURVE TABLE

No	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	10°31'19"	1202.30	220.79	220.48	S07°58'59"W
C2	22°55'41"	1078.83	431.72	428.84	N57°14'46"E

**Bury+Partners**

Consulting Engineers and Surveyors  
Austin, Texas Tel 512/328-0011 Fax 512/328-0325  
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**SKETCH TO ACCOMPANY DESCRIPTION**

OF 22.539 ACRES OF LAND BEING A PORTION OF THOSE CERTAIN TRACTS OF RECORD IN VOL. 55, PG. 246 & VOL. 55, PG. 247 OF THE DEED RECORDS AND ALSO BEING A PORTION OF THAT 2.25 ACRE TRACT AND ALL OF THAT 9.00 ACRE TRACT, BOTH OF RECORD IN VOL. 12765, PG. 12 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

**POST PROPERTIES****TRIANGLE**

DATE 01/19/01 FILE H \856\05\85605EX1.dwg FN No FN01-024(MJJ) DRAWN BY MJJ PROJ No 856-05



Exhibit "B"  
Revised Development Plan

Unofficial Copy

6/8/01

**ORDER  
EXHIBIT "B"**

**SUBSTANTIAL AMENDMENT TO TRIANGLE SQUARE DEVELOPMENT PLAN**

**A REGULATING DOCUMENT OF THE SPECIAL BOARD OF REVIEW PURSUANT TO SECTION 31.161 OF THE TEXAS NATURAL RESOURCES CODE IN THE NATURE OF A MUNICIPAL ORDINANCE ESTABLISHING A SUBSTANTIAL AMENDMENT TO THE DEVELOPMENT PLAN FOR APPROXIMATELY 22 ACRES OUT OF THE GEORGE W. SPEAR, JAMES P. WALLACE, THOMAS GRAY AND JAMES ROGERS SURVEYS, AS MORE PARTICULARLY DESCRIBED IN THIS REGULATING DOCUMENT, LOCALLY KNOWN AS THE TRIANGLE LOCATED BETWEEN GUADALUPE STREET, N. LAMAR BLVD., AND W. 45TH STREET, AUSTIN, TRAVIS COUNTY TEXAS, APPROVED PURSUANT TO THAT CERTAIN ORDER OF THE SPECIAL BOARD OF REVIEW APPROVED ON OCTOBER \_\_\_\_, 1998, AND FILED IN VOL. 13290, PAGE 18, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.**

**PART 1.** This Substantial Amendment to the Development Plan (the "Original Development Plan") attached as Exhibit "B" to that Order (the "Order") of the Special Board of Review approved on October \_\_\_\_, 1998, and filed in Volume 13290, Page 18 of the Real Property Records of Travis County, Texas shall be effective as of the date reflected in Part 13 below and shall be deemed to replace and substitute for the Original Development Plan in its entirety

**PART 2.** The Zoning Map established by Chapter 13-2-22 of the Austin City Code is amended to establish a "GR-MU-CO" Community Commercial-Mixed Use-Conditional Overlay Combining District, on the property described in the City of Austin Development Review and Inspection Department File No. C14-97-0146 as follows.

22.144 acres (964,584 square feet) out of the George W Spear Survey A-697, the James P. Wallace Survey A-789, the Thomas Gray Survey A-310 and the James Rogers Survey A-600, situated in the City of Austin, Travis County, Texas, and more particularly described in the metes and bounds description attached hereto as Exhibit A,

locally known as "The Triangle" and comprising a portion of the tract of land located between Lamar Boulevard and Guadalupe Street north of 45<sup>th</sup> Street, in the City of Austin, Travis County, Texas and referred to in this Regulating Document and all attached exhibits as the "Property" The Property is depicted on the Concept Plan

**PART 3.** The following uses shall be permitted on the Property in addition to any uses generally

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permitted in the GR-MU base District.

- (1) Art & Craft Studio (General),
- (2) Home Occupation; and
- (3) Liquor Sales (no drive through)

Notwithstanding the foregoing, the following uses are prohibited on the Property within the boundaries of the Conditional Overlay Combining District established by this Regulating Document

- (1) Automotive Rentals,
- (2) Automotive Repair Service,
- (3) Automotive Sales,
- (4) Automotive Washing (Automatic or Mechanical),
- (5) Commercial Off-Street Parking (except to the extent of any parking structures shared by public transit authorities);
- (6) Exterminating Service,
- (7) Pawn Shop Services,
- (8) Restaurant with Drive-In Window, and
- (9) Service Station

Except as specifically restricted under this Regulating Document, the Property may be developed and used in accordance with the regulations established for the GR-MU base district and other applicable requirements of the Austin City Code

**PART 4.** Words not defined in this ordinance have the meaning assigned in the Austin City Code In this ordinance

- (1) **CONCEPT PLAN** means the illustrative site plan and design sections attached as Exhibit B.
- (2) **DEPARTMENT** means the City of Austin Development Review and Inspection Department.
- (3) **DEVELOPER** means the lessee under that certain ground lease dated May 15, 1997 with the State of Texas acting by and through the Texas Department of Mental Health and Mental Retardation, as the same may be amended from time to time, together with any assignees or transferees of the lessee's interest permitted thereunder.
- (4) **DEVELOPMENT PLAN** means the Development Plan described in Sections 31 161-167 of the Texas Natural Resources Code and includes this Regulating Document and attached Exhibits A through M.



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- (5) **DIRECTOR** means the Director of the Development Review and Inspection Department of the City of Austin or successor department
- (6) **PROJECT** means the project to be constructed on the Property
- (7) **SUBSTANTIAL AMENDMENT**, as used in 31 TAC, Section 13.31, for purpose of this Development Plan means any change, amendment, or modification that is not a change, amendment, or modification that may be approved administratively by the City, or is not a change, amendment or modification permitted in this Development Plan. Notwithstanding the foregoing, each of the following shall be considered a Substantial Amendment: (i) any modification, change or amendment to this Development Plan allowing greater shifting of building footprints than that permitted by Subpart G1 of the Development Guidelines Section of Exhibit I; (ii) any modification, change or amendment to this Development Plan which reduces the minimum "Total Civic Open Space" requirement contained in the Site Regulations Section of Exhibit I; (iii) any modification, change or amendment to this Development Plan which changes the permitted uses of Building Blocks provided in Subpart G16 of the Development Guidelines Section of Exhibit I; (iv) any modification, change or amendment to this Development Plan which increases the maximum number of 24 hour two-way volume trips per day permitted by Subpart (B)(3) of Part 5 of this Regulating Document; (v) any modification, change or amendment to this Development Plan allowing greater movement of driveways than that permitted by Subpart G10 of the Development Guidelines Section of Exhibit I; and (vi) any modification, change or amendment to this Development Plan which would increase the volume of stormwater discharge from the Project from the level which exists prior to development of the Project.

**PART 5** The Property shall conform to the Development Plan, the limitations and conditions set forth in this Regulating Document, and all applicable City of Austin regulations and ordinances, except to the extent modified by this Regulating Document. The Development Plan shall be the basis for review by the City of Austin of all site plans or other development approvals for the Property as long as the provisions of Part 6 are satisfied. Under Section 31.167(a) of the Texas Natural Resources Code, the provisions of the Development Plan shall be binding on the State and the City of Austin unless revised by the Special Board of Review as provided in Section 31.167(a) of the Texas Natural Resources Code. If the text of this Regulating Document and the attached exhibits conflict with one another, the more restrictive provision controls.

**PART 6** The following attached exhibits are copies of originals on file with the Department in File No. C14-97-0146 and are incorporated into this Regulating Document.

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Exhibit A:	Description of the Property by Metes and Bounds
Exhibit B.	Concept Plan
Exhibit C	Stormwater and Drainage Plan
Exhibit D.	Traffic Impact Analysis
Exhibit E	Wetlands Mitigation Plan
Exhibit F	Water and Wastewater Plan
Exhibit G	Sketch of Water and Wastewater Connections
Exhibit H	Landscape Alternative Compliance Guidelines
Exhibit I	Site Regulations and Development Guidelines
Exhibit J	The Adjacent Five Acre Parcel
Exhibit K	Ordinance #000817-48-B and Ordinance #000817-49
Exhibit L	Dimensions for Parking Garages
Exhibit M.	Equivalencies

- (A) Attached Exhibit A describes the Property
- (B) Exhibits B through I and Exhibits K through M contain the development standards for the Property with the following additions or exceptions. All approvals, exceptions, or amendments are subject to the development on the Property complying with the requirements of Part 7 of this Regulating Document
- (1) All site plan applications and other development applications for the Property and the maximum density and intensity of development on the Property shall conform to the Concept Plan attached as Exhibit B and the Site Regulations and Development Guidelines attached as Exhibit I
  - (2) All site plan applications and other development applications for the Property shall comply with the Austin City Code and regulations regarding stormwater and detention except to the extent provided in the Stormwater and Drainage Plan contained in Exhibit C; no additional detention of the two year storm event shall be required other than as provided in Exhibit C. All drainage improvements in public right-of-way or drainage easements shall be designed and constructed in accordance with the current version of the City of Austin's Drainage Criteria Manual. The Developer may propose amendments to the Stormwater and Drainage Plan which shall be subject to administrative approval by the Director of the City of Austin Watershed Protection Utility or successor department
  - (3) No site plan for the Property shall be approved or released, and no building permit for the construction of a building on the Property shall be issued, if the completed development or uses authorized by the proposed site plan or development approval, considered cumulatively with all previously

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authorized development and uses for the Property, would generate traffic exceeding 21,350 24 hour two-way volume trips per day as determined by a traffic impact analysis (the "Final TIA") submitted to the City of Austin in conjunction with an application for a site development permit for the Project. No site plan, building permit or other development approval for the Property, including applications for future special exceptions, shall be denied on the basis of traffic or trip generation, or any requirements or standards relating to traffic or trip generation, so long as the proposed development considered cumulatively with all previously authorized development and uses for the Property does not generate traffic exceeding 21,350 24 hour two-way volume trips per day as determined by the Final TIA. The trips shall be calculated using the Sixth Edition, Trip Generation. The Final TIA shall be submitted solely for showing compliance with the above-described trips per day limitation and shall be subject to the same qualifications and assumptions contained on that certain Traffic Impact Analysis for the Project attached as Exhibit D hereto (the "Original TIA"). The City of Austin shall not require the construction of traffic improvements, the payment of fiscal deposits, the payment of additional fees, or impose additional design criteria or other requirements or standards relating to traffic as a condition to any development approval for the Property, except as set forth in the following paragraph

The Developer's sole payment obligation with respect to traffic improvements or requirements is as follows. the Developer shall contribute to the City of Austin the sum of \$25,000 in order to fund a portion of the costs of a study of traffic in the general vicinity of the Property (the "District Traffic Study"). Such contribution shall be made concurrently with the posting of fiscal by the Developer with the City of Austin for release of a site development permit. The City of Austin will determine the scope and nature of the District Traffic Study after input from the Primary Stakeholders (as defined in Part 9 below). The City of Austin will administer the District Traffic Study

Notwithstanding anything to the contrary set forth in the Original TIA, the Developer's sole construction obligation with respect to traffic improvements or requirements is as follows: the Developer shall construct the required median in Lamar Boulevard prior to the initial opening of the grocery store reflected on the Concept Plan. The Developer's obligations to pay or participate in paying for other improvements and fees have been waived pursuant to Ordinance #00817-48-B and the Development Guidelines attached as Exhibit I.

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- (4) All site plan applications and other development applications shall comply with the Austin City Code and regulations regarding wetlands mitigation and critical water quality zones except to the extent provided in Exhibit E. The Developer may propose amendments to the Wetlands Mitigation Plan which shall be subject to administrative approval by the Director of the City of Austin Watershed Protection Utility or successor department.
- (5) All site plan applications and other development applications must comply with the Austin City Code and regulations regarding water and wastewater services except as provided in Exhibit F.
- (6) All site plan applications and other development applications shall comply with the Austin City Code and regulations regarding alternative landscaping requirements because of the unique urban and pedestrian uses of the Property as described in Exhibit H. The alternative plan described in Exhibit H adequately achieves, or is an improvement on, the intent of the landscaping requirements contained in Chapter 13-7 of the Austin City Code.
- (7) The Project will comply with the parking requirements in the Austin City Code, except that (i) the parking required for the residential component in the Project shall be (x) one (1) space for the first bedroom in each apartment unit and one-half ( 1/2 ) space for each additional bedroom in each apartment unit and (y) two (2) parking spaces for each townhouse unit, and (ii) off-site parking on Triangle Avenue (the name of which may be changed in the future to "King Avenue"), 46<sup>th</sup> Street and 47<sup>th</sup> Street between Lamar and Guadalupe Streets and on Guadalupe Street will be permitted and be included in the calculation of the required parking for the Project. To the extent necessary for the Project to comply with the parking requirements of the Austin City Code, calculations of required parking for the Project shall be made in accordance with a shared parking report prepared in accordance with the applicable provisions of the Austin City Code.
- (8) Notwithstanding anything to the contrary in the Austin City Code, the Developer will not be required to contribute any funds or dedicate any property in satisfaction of any parkland dedication requirement for the Project.
- (9) Notwithstanding anything to the contrary in this Regulating Document, driveway approaches constructed by the Developer onto Guadalupe Street, W. 45<sup>th</sup> Street, and Lamar Boulevard shall comply with the standards therefor set out in the Austin City Code.

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- (C) Attached Exhibit J is a description of an approximately five acre tract of land adjacent to the Property and is for informational purposes only and does not contain development standards for the Property

**PART 7** The following schedule is in satisfaction of Section 31.161 of the Texas Natural Resources Code

- (1) Whenever there is a reference in the Development Plan to the Austin City Code, the City of Austin Land Development Code, or any other rule, procedure, manual, standard, ordinance or regulation of the City of Austin, then (except as expressly provided in Exhibit G attached hereto) such reference shall be deemed to refer only to the code, rule, procedure, manual, standard, ordinance or regulation in effect as of November 14, 1997 (the "Submission Date")
- (2) The State or its lessee shall submit a site plan application or applications for the Property in accordance with the requirements of Division 2 of Chapter 13-1 of the Austin Land Development Code within two (2) years from the date of approval of the Substantial Amendment to the Development Plan by the Special Board of Review
- (3) Notwithstanding anything to the contrary contained in City of Austin Ordinance No. 970905-A (as the same may be amended, replaced or supplemented) or any other provision in the Austin City Code, the site plan(s) approved for the Property shall have a life of nine (9) years from the date of approval of the Substantial Amendment. All building permits and notices of construction for the Property shall be obtained or filed on or before nine (9) years after the date of approval by the Special Board of Review of the Substantial Amendment to the Development Plan.
- (4) Notwithstanding anything to the contrary contained in City of Austin Ordinance No. 970905-A (as the same may be amended, replaced or supplemented) or any other provision in the Austin City Code, as long as the deadlines set forth in subparts (2) and (3) above are met, all permits, licenses or approvals of any type governing development of the Property pursuant to the Development Plan shall be governed by the Austin Land Development Code in effect as of the Submission Date. If the deadlines set forth in subparts (2) and (3) are not met, however, all applications for permits, licenses or approvals from the City of Austin for development of the Project which do not comply with such deadlines shall be governed by the Austin City Code in effect on the date of such application.

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**PART 8.** To satisfy the substantial progress requirements of Section 31.166 of the Texas Natural Resource Codes, the Project must have received all building permits and filed all notices of construction for the development described in the Development Plan within nine (9) years after the date of approval by the Special Board of Review of the Substantial Amendment to the Development Plan.

**PART 9** Any application for a special exception, variance, or waiver shall not be construed as an amendment or modification of the Development Plan unless the special exception, variance, or waiver is a Substantial Amendment.

**PART 10**

- (1) Site Development and Architectural Guidelines. Specific site development and architectural guidelines for the Project will be developed using a collaborative planning process similar to that employed for this Development Plan. The Primary Stakeholders will meet as a group to formulate the proposed guidelines. As used herein, the term "Primary Stakeholders" shall mean the following eight (8) individuals: a representative from the Texas Department of Mental Health and Mental Retardation ("MHMR"), a representative from the General Land Office of the State of Texas (the "GLO"), a representative from the Developer, a representative from Post Properties (or its successor), Sabrina Burmeister (or another Neighborhood Representative designated by her), Clare Barry (or another Neighborhood Representative designated by her), Jennifer Vickers (or another Neighborhood Representative designated by her), and Patrick Dyson (or another Neighborhood Representative designated by him). As used herein, the term "Neighborhood Representative" shall mean the following five (5) individuals: Sabrina Burmeister, Clare Barry, Jennifer Vickers, Patrick Dyson or Catharine Echols, it being acknowledged that if the same individual holds more than one of the eight Primary Stakeholder positions (as the result of being designated as the Neighborhood Representative of another Primary Stakeholder), then that individual will have one vote for each Primary Stakeholder position it holds for purposes of reaching a consensus as provided below.

The proposed guidelines shall be reviewed and commented upon by the Stakeholders in accordance with the timeline set forth in the Amended and Restated Lease Agreement by and between Triangle Retail Limited and the State of Texas acting by and through the Texas Department of Mental Health and Mental Retardation, which specifies a minimum of fifteen (15) working days following receipt of such proposal for review and comment. A draft of



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the guidelines will be made available to the community in whatever form the Neighborhood Representatives shall decide is appropriate. The GLO shall facilitate (with the assistance of the Neighborhood Representatives) the public notification process. A final draft of those guidelines, if any, shall be agreed to by a consensus (meaning 6 out of 8) of the Primary Stakeholders and will be submitted to MHMR for final approval. Notwithstanding the foregoing, it is hereby acknowledged that the MHMR Board or its designee shall have final approval rights over the site development guidelines and architectural guidelines described in this subpart (1) of Part 9.

At the request of the Developer, the above-described process may be bifurcated so that the consensus site development guidelines and the consensus architectural guidelines are formulated under two separate processes which may or may not run concurrently. In such event, the above-described process will apply in the same manner to the formulation of each set of guidelines.

Nothing contained herein shall make the Project exempt from complying with current electrical, plumbing or other technical building codes of the City of Austin; provided, however, the equivalences set forth on Exhibits L and M shall be accepted as complying with such codes.

- (2) Smart Growth Incentive Funds. The Primary Stakeholders have met in order to discuss specific uses of any funds that the City of Austin might make available to the Project as part of the smart growth incentives program. Those uses agreed to by a consensus (meaning 6 out of 8) of the Primary Stakeholders were submitted to the City of Austin as a recommendation to the City of Austin on how any such funds are to be used.

Pursuant to Ordinance #000817-48-B and Ordinance #000817-49, copies of which are attached hereto as Exhibit K, on August 17, 2000, the City Council agreed to make a support package available to the Project totaling approximately \$7,570,257.00.

- (3) Site and Building Plan Compliance Review. Prior to submitting any application for a site development permit or building permit to the City of Austin, the Developer will submit a copy of such application (including any plans associated therewith) to the Primary Stakeholders. The GLO will coordinate review of such applications by the Primary Stakeholders for conformance with this Development Plan and site development and/or architectural guidelines, as applicable, approved by the MHMR in accordance with subpart (1) above (the "Guidelines"). The review will consist solely of

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determining whether the plans or drawings (e.g., building elevations, street sections and similar drawings) comply with this Development Plan and the Guidelines. The review will not address other plan details such as building codes

The GLO will provide instruction on review, including a schedule which is consistent with the terms of the Amended and Restated Master Lease, to the Primary Stakeholders. At the Primary Stakeholder review meeting, each Primary Stakeholder will be provided an opportunity to identify elements of the applications that do not comply with the Development Plan and the Guidelines, citing the specific section(s). GLO shall make a determination, either at the meeting or a subsequently scheduled meeting of the Primary Stakeholders, regarding conformance and/or acceptable cures. Any Primary Stakeholders may appeal such determination to the MHMR; provided, however, that in connection with such appeal, the MHMR will obtain a recommendation from Calthorpe Associates or its successor or designee regarding compliance.

The GLO will issue a report to the Developer citing any specific non-compliance determined during the above-described process, if there are items not in compliance, within thirty (30) days after the date scheduled for the initial Primary Stakeholder meeting for the application in question. If the GLO has not issued a report of non-compliance within the foregoing 30-day period, then the application shall be deemed to be in compliance. If the GLO issues a non-compliance report, then Developer may revise the application as provided in its lease with the MHMR. The Developer shall have the right to revise its application as hereinafter described, or to appeal such determination to the MHMR, provided, however, that in connection with such appeal, the MHMR will obtain a recommendation from Calthorpe Associates or its successor or designee regarding compliance. If the Developer revises its application, then the foregoing Primary Stakeholder review process shall be repeated (as many times as the Developer revises and resubmits its application until the application is determined to be in compliance or the Developer terminates its lease), except that any such review must be completed within fifteen (15) days after the application in question is resubmitted. If the GLO has not issued a report of non-compliance for any revised application within the foregoing 15-day period, then the revised application shall be deemed to be in compliance. If an application is in full compliance initially or upon revision, the GLO will certify compliance in writing to the Developer and City of Austin. Neighborhood participation in the compliance review process for any given application is complete upon the earlier of (i) certification by the GLO that the application in question is in compliance and is ready for submission to the City of Austin, or (ii) expiration of the foregoing 30-day or 15-day periods, as applicable.

**PART 11.** With regard to on-site and off-site water, storm water, and/or wastewater



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improvements, and any other category of improvements for which the City of Austin has or will make smart growth incentive funds available to the Developer and/or the Project, the Developer and the City of Austin shall enter into a Master Development Agreement, or sub-agreement thereof, and the terms of such Master Development Agreement or sub-agreement thereof shall govern the terms regarding use of such funds

**PART 12** The Development Plan shall be recorded in the Real Property Records of Travis County, Texas by the City at the Developer's expense

**PART 13** The Development Plan takes effect on \_\_\_\_\_, 2001, the date approved by the Special Board of Review. For purposes of this Regulating Document, any reference to the date of approval of this Development Plan shall mean the date referenced above rather than the date of approval of the Original Development Plan by the Special Board of Review

Unofficial Copy



THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

DEC 06 2004

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## ORDER

Bury & Partners, Inc.

OF THE SPECIAL BOARD OF REVIEW

## REGARDING THE TRIANGLE SQUARE DEVELOPMENT PLAN

This Order, with the exhibits hereto, approves a substantial amendment and revision of the Triangle Square Development Plan established by the Special Board of Review by Order dated October 13, 1998, and as amended by Order dated June 25, 2001 (the "Development Plan"), to govern the use of a tract of land located in the city of Austin, Travis County, Texas, consisting of approximately 23.159 acres, (the "Triangle Tract"), as provided in Texas Natural Resources Code, Sec. 31.161 et seq. (Vernon 2003).

WHEREAS, pursuant to Chapter 533, Texas Health and Safety Code, the Texas Legislature authorized the lease for non-governmental purposes of certain property then belonging to the Texas Department of Mental Health and Mental Retardation ("TDMHMR"), including the Triangle Tract, which is more fully described by metes and bounds in the Order dated October 13, 1998 and incorporated herein;

WHEREAS, pursuant to leases and amendments thereto properly authorized by the State of Texas, acting by and through TDMHMR, as Lessor, the Triangle Tract is covered by two separate leases, as follows: (i) Lease Agreement (Retail Tract), dated May 15, 2001, covering that portion of the Triangle Tract that is to be developed primarily for retail purposes and is described in such lease agreement (the "Retail Component Lease"), and (ii) that certain Lease Agreement (Residential Tract), dated May 15, 2001, covering the balance of the Triangle Tract that is intended to be developed primarily for residential purposes and is described in such Lease Agreement;

WHEREAS, on March 1, 2001, the Texas Board of Mental Health and Mental Retardation adopted a resolution which recognized that subsequent actions by the Special Board of Review regarding the Development Plan would be deemed to be approved by the Texas Board of Mental Health and Mental Retardation;

WHEREAS, the Triangle Tract was conveyed by TDMHMR to the Permanent School Fund;

WHEREAS, the lessee under the Retail Component Lease, acting on behalf of and as the agent of the Asset Management Division of the General Land Office, submitted to the City of Austin an application for a substantial amendment to the Development Plan as it affects the portion of the Triangle Tract covered by the Retail Component Lease (the "Retail Amendment");

WHEREAS, a majority of the members of the Special Board of Review (the "Board") duly requested a meeting of the Board to review the requested Retail Amendment;

WHEREAS, a public hearing before the Board was held on October 5, 2004, and all five members of the Board were present at the hearing;

WHEREAS, the political subdivisions in which the land is located (i.e., Travis County, the City of Austin, and the Austin Independent School District) were duly notified of the public hearing;

WHEREAS, the Triangle Tract is located in only one city, the City of Austin, and only one county, Travis County, Texas;

WHEREAS, the Board considered the Development Plan and the requested Retail Amendment at its October 5, 2004 meeting, in accordance with rules promulgated by the General Land Office for conduct of such special review;

[illegible]

Exhibit "A" Revised Development Plan

**ORDER  
EXHIBIT "A"**

**SUBSTANTIAL AMENDMENT TO TRIANGLE SQUARE DEVELOPMENT PLAN**

**A REGULATING DOCUMENT OF THE SPECIAL BOARD OF REVIEW PURSUANT TO SECTION 31.161 OF THE TEXAS NATURAL RESOURCES CODE IN THE NATURE OF A MUNICIPAL ORDINANCE ESTABLISHING A SUBSTANTIAL AMENDMENT TO THE DEVELOPMENT PLAN FOR APPROXIMATELY 22 ACRES OUT OF THE GEORGE W. SPEAR, JAMES P. WALLACE, THOMAS GRAY AND JAMES ROGERS SURVEYS, AS MORE PARTICULARLY DESCRIBED IN THIS REGULATING DOCUMENT, LOCALLY KNOWN AS THE TRIANGLE LOCATED BETWEEN GUADALUPE STREET, N. LAMAR BLVD., AND W. 45TH STREET, AUSTIN, TRAVIS COUNTY TEXAS, APPROVED PURSUANT TO THAT CERTAIN ORDER OF THE SPECIAL BOARD OF REVIEW APPROVED ON OCTOBER 13, 1998, AND FILED IN VOL. 13290, PAGE 18, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AS AMENDED BY SUBSTANTIAL AMENDMENT DATED JUNE 25, 2001.**

***PART 1.* This Substantial Amendment (this "Amendment") to the Development Plan attached as Exhibit "B" to that Order of the Special Board of Review approved on October 13, 1998, and filed in Volume 13290, Page 18 of the Real Property Records of Travis County, Texas, as amended by that Order of the Special Board of Review approved on June 25, 2001 (the Orders, collectively, the "Order"; the Development Plan as previously amended, collectively, the "Original Development Plan") shall be effective as of the date reflected in Part 7 below and shall be deemed to replace and substitute for the "Retail Tract" component (as defined below) of the Original Development Plan.**

***PART 2.* All capitalized terms used herein and not separately defined herein shall have the meaning given to them in the Original Development Plan, including as the Original Development Plan incorporates the Austin City Code.**

***PART 3.* This Amendment applies only to the portion of the Property that is subject to that certain Lease Agreement (Retail Tract), dated May 15, 2001, between the State of Texas, acting through the Texas Department of Mental Health and Mental Retardation, as lessor, and Triangle Retail, Ltd., as lessee, covering that portion of the Property that is to be developed primarily for retail purposes and is described in such Lease Agreement (Retail Tract) (the "Retail Tract"). The lessee's interest was subsequently assigned to 2001 Triangle, Ltd., which is the new lessee. The State of Texas acting on behalf of the Permanent School Fund has acquired the fee subject to the lease and is now the lessor.**

***PART 4.* The following attached exhibits are copies of originals on file with the Department in File No. C14-00-2267SL, are incorporated into this Amendment, and replace the corresponding exhibits attached to the Regulating Document for the Original Development**

Plan.

Exhibit B:

Concept Plan

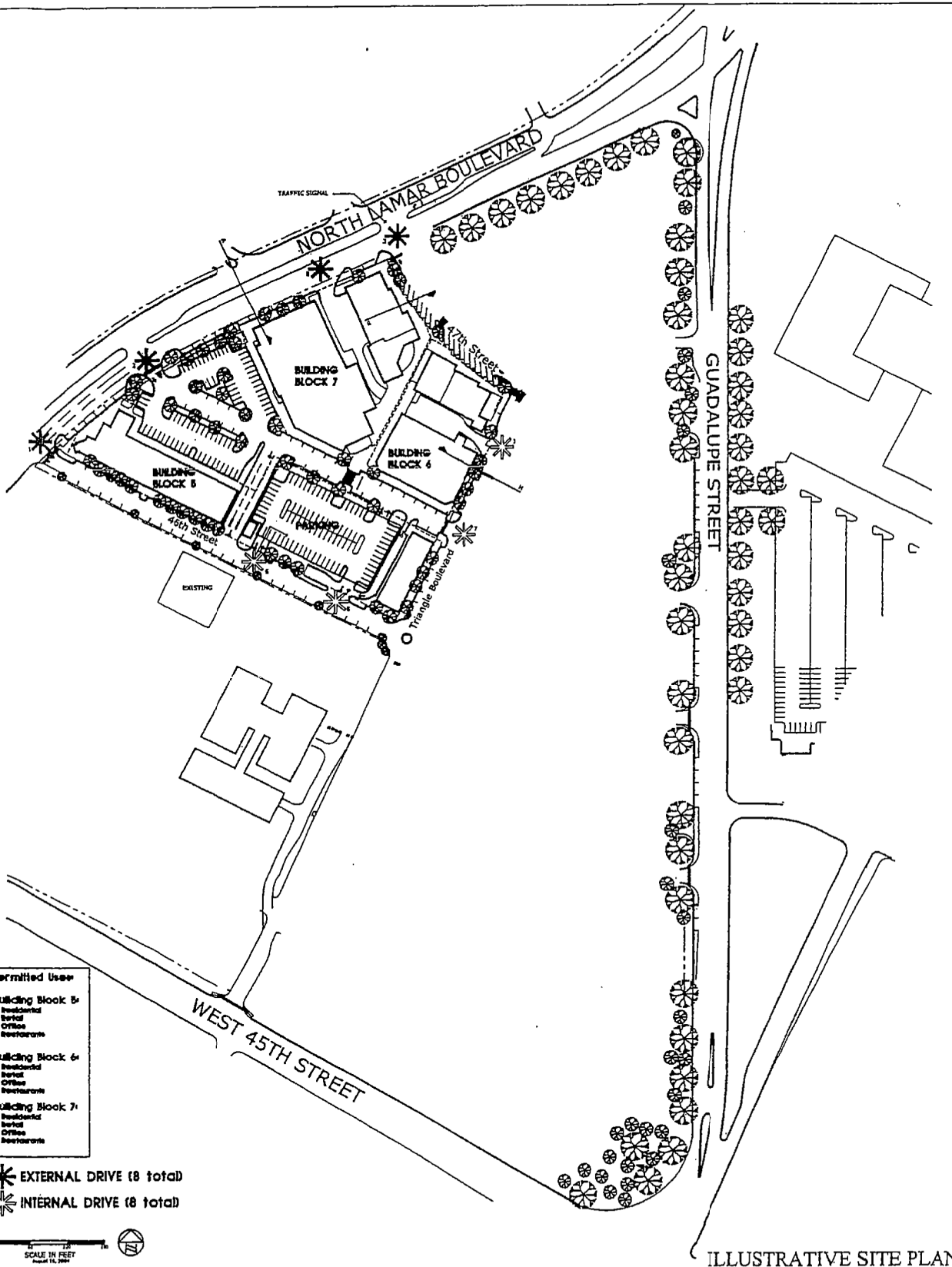
Exhibit I:

Site Regulations and Development Guidelines

**PART 5.** The first sentence of the third unnumbered paragraph under Part 6 of the Regulating Document attached as Exhibit "B" to the June 25, 2001 amendment to the Original Development Plan is hereby deleted in its entirety, and the following is substituted therefor: "Notwithstanding anything to the contrary set forth in the Original TIA, the Developer's sole construction obligation with respect to traffic improvements or requirements is as follows: the Developer shall construct the required median in Lamar Boulevard prior to the initial opening of any retail stores in the Property."

**PART 6.** This Amendment shall be recorded in the Official Public Records of Travis County, Texas by the City at the Developer's expense.

**PART 7.** This Amendment takes effect on October 5, 2004, the date approved by the Special Board of Review.

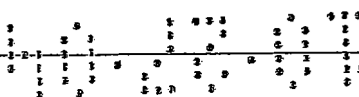


CENCOR URBAN  
(512) 482-8383

Simmons Vedder & Company  
(512) 499-0088

# EXHIBIT 'B' TO THE SPECIAL BOARD OF REVIEW

TRIANGLE DEVELOPMENT  
AUSTIN, TEXAS





# **“REVISED DEVELOPMENT PLAN”**

## **“Exhibit I”**

### **SITE REGULATIONS & DEVELOPMENT GUIDELINES for The Triangle Square Development**

#### **I. SITE REGULATIONS**

##### **Gross Square Footage:**

**RETAIL\*** 150,000 sf (maximum)

- a) quality restaurants: 20,000 sf
- b) shopping center: 130,000 sf

**RESIDENTIAL (maximum units)** 875,000 sf (maximum)

- a) Apartments/Lofts 794 units
- b) Live/work 65 units

**OFFICE\*** 20,000 sf (maximum)

**Total:** 1,045,000 sf (maximum)

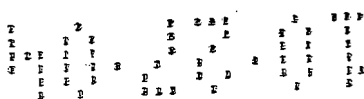
\* Note: The gross square footages listed above for “Retail” uses and “Office” uses (including the space allocated to quality restaurants and shopping center) may be reallocated among such uses as long as (i) no specified amount of square footage may be increased by more than 20,000 square feet and (ii) any increase in a specified amount of square footage must be offset by an equivalent decrease in square footage in another category. The maximum units for apartments/lofts and live/work units may be reallocated among each use.

**Total Civic Open Space:** Minimum of 6.31 acres; 5.29 acres dedicated as a stormwater detention facility and open space

**Maximum Impervious Cover:** 80%\*\*

**Maximum FAR:** 1.25\*\*

**Maximum Height:** 65 feet on all buildings other than Building E; 120 feet for Building E (excluding, for all buildings, mechanicals, screening walls, chimneys, etc.)



None.

### Structure Setbacks:

Streetscape, Landscape and Tree  
Preservation on Site:

### Compatibility Issues:

## Smart Growth:

One Site Plan/  
Phasing:

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## II. DEVELOPMENT GUIDELINES

### G1 BUILDING FLEXIBILITY ZONE

A 20-foot Building Flexibility Zone, surrounding each building block as shown on the Concept Plan, will allow the shifting of building footprints within such zones, as the development drawings evolve from the current conceptual phase through schematics, design development phase and finally construction documents. The allowed generalized uses within each building as specified on the Development Plan and in this Exhibit 'I', will not change. For example, a residential building will not be allowed to become a retail building.

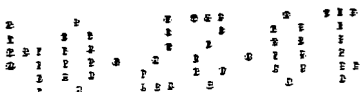
Although civic open space edges and limits may shift to accommodate changes in building footprints, such change shall not result in a loss of total area of open space below the established minimum of 6.31 acres.

### G2 CIVIC OPEN SPACE NETWORK

A network of civic open spaces, running north-south, has been developed to ensure that open green spaces and urban plazas are an integral component of the development. To varying degrees of intensity, and with various mixes of features, street furnishings within the open spaces should include benches, soft-surfaced trails, pavers, pedestrian-scaled lights, landscaping with an emphasis on native plant material, bicycle racks, shade trees, interactive public art, fountains, and other site features. Civic Open Space Zones identify the locations of the primary open spaces on site. Final open space configuration, and their respective limits, will be determined once the final location of the building footprints has been established; see G1-Building Flexibility Zone. As a minimum, 6.31 acres of the site will be used for civic open space.

Although some or all of the Civic Open Space Zones will be acquired by the City of Austin in fee simple, the Civic Open Space Zones, whether any such particular area is a sidewalk, an open space, or other space, may nevertheless be used by the Developer for activities associated with the Project, such as, but not limited to, electric transformers and similar structures, street festivals, outdoor entertainment, outdoor dining (including permanent tables), and sidewalk sales, without in any such event the need of a permit or other separate authorization from the City of Austin, to the extent such activities are open to the public; provided, however, that notwithstanding the foregoing, Developer's rights hereunder shall be subject to the requirements of Sections 1.j and 3 of the Triangle Master License Agreement among the City of Austin, SV Triangle Limited Partnership, and 2001 Triangle, Ltd. In the event that such activities are intended to be private then the person or entities conducting such activities shall be required to conform to the normal City of Austin permitting procedures.

The following is a conceptual description of the main civic open spaces beginning at the north end of the site. All are an integral part of the plan's commitment to a well developed network of civic open spaces.



#### Civic Open Space Area 'A': "North End Plaza"

The North End Plaza Area is located at the confluence of Lamar Boulevard and Guadalupe Street. This predominately-landscaped space is intended to serve as a landmark and visual gateway to the Property. Site elements, which may include water feature(s) in the way of fountain(s), and/or installation of public art, will provide an urban focal point for both pedestrians as well as for those driving by the site.

The space itself is defined by a residential building to its south and the confluence of Lamar and Guadalupe Street on the west and east all the way to the point. Centered on the residential building's north facade, an architectural element will be introduced on the building's design to serve as the terminus for Axis 'A' (see G3), as seen from North Lamar looking south toward the site. The building shall have windows facing onto the plaza, preferably at every level. Street and surface parking are not allowed within the plaza. A small "pull-in court" incorporating the same paving materials of the plaza will be allowed off Guadalupe Street to serve the Post Office delivery needs. General loading will not be allowed at this location.

#### Civic Open Space Area 'B': "Triangle Commons"

Located near the geographical center of the site, this triangular space is bounded by 47<sup>th</sup> Street to the north, residential buildings to the east and interior streets to the south and west. It is the main internal civic open space of the Project.

Site elements within this triangular space include a wide sidewalk or Promenade (see G4), along the western edge of the residential buildings, that will serve to reinforce pedestrian and bicycle connectivity between the commercial main street and uses to its north, with uses located at the south end of the Project. Located at the north end of the park, a large pecan tree will anchor that end of the open space. This tree should be preserved and integrated into the plan. In addition, abundant native shade trees should be incorporated into the overall scheme of this area.

An open air structure (e.g.: a gazebo or pergola) should be provided at the southwest corner in order to help define this open space along this edge. Other site elements could include a playscape/tot lot area, public art, amphitheater, etc. Kiosks, food carts, temporary arts and crafts displays, etc., serve to create additional pedestrian activity within this area and should be encouraged. Please refer to Section D-D, for further description of this open space and its surroundings.

#### Civic Open Space Area 'C': "Ponds Open Space"

This irregularly-shaped open space at the south end of the Property will serve as both a stormwater detention facility and open space area. A permanent water feature, involving a designed ponding system will provide, as a minimum, sufficient detention to comply with

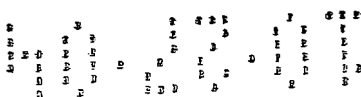


Exhibit C to the Development Plan. These pond(s) will be bordered, on most of their frontage, by open areas with connecting trails, public furnishings and other site amenities. Because it functions as the main pedestrian gateway from neighborhoods to the south/southeast of the site, its design should focus on providing easy access from the corner of 45th Street and Guadalupe, into the rest of the Project via foot and bicycle. An informal landscaping concept, with an emphasis on native vegetation, should be integrated into the design of this open space.

### G3 AXIS 'A'

Axis 'A' defines an uninterrupted visual corridor as seen from North Lamar looking south into the site. The North End Plaza (see G2), and its associated amenities will be placed centerlined to the axis.

### G4 PROMENADE; RETAIL PLAZA

A Promenade, on the eastern edge of Civic Open Space Area 'B': "Triangle Commons", is intended to be a pedestrian and bicycle path that connects the network of civic open spaces throughout the site. This path, 12-24 feet in width, shall not be accessible for motorized vehicles. Its surface material should be pavers or a similar quality material. Street furnishings provided within the Promenade should match those mentioned in Guideline G2. Refer to Section D-D, which further illustrates the Promenade and Civic Open Space 'B'.

A Retail Plaza will be situated on a roughly north-south axis, defined on the west by Building Block 7 and on the east by Building Block 6. This irregularly shaped space serves as a pedestrian path from 47<sup>th</sup> Street to the primary retail parking area and garage, and is of variable width. At no point will the width of the Retail Plaza be less than 25 feet. Active uses along the plaza are encouraged, including retail storefronts, outdoor eating areas, sidewalk sales, and benches, planters and other sitting areas. Landscaping, outdoor art or fountains should be used to enliven the plaza; in addition, buildings fronting on the plaza should have windows facing the plaza. This area is intended to be primarily hardscaped.

### G5 GREEN BUFFER

The green buffer, with its distinctive pattern as provided by the existing trees along 45th Street and Guadalupe Street, will be preserved, as much as possible, by the development. Removal of existing trees along this edge should be limited to the need to provide access and essential services to the development and/or due to diseased or declining trees (as determined by the City of Austin arborist) that need to be removed.

An abundant number of shade trees, creating a distinct pattern, will be placed along the Lamar frontage.

## G6 47<sup>TH</sup> STREET

The Project's primary east-west connector will serve as its commercial/retail main street. 47<sup>th</sup> Street is defined by two rows of buildings, all of which shall be vertically integrated, except for the small anchor pad on Building Block 7. The uses on these buildings will include ground floor retail, offices, restaurants and/or entertainment uses and second floor offices and/or upper floors residential units. The intermittent use of canopies is strongly suggested as a means of providing shade for sidewalk areas. An urban plaza, on the north side of the commercial main street (47<sup>th</sup> Street), will provide a venue for outdoor activities such as sidewalk cafes and sitting areas. Shade trees will be placed on both sides of the street, along the sidewalks, and in the plaza area, in order to provide relief from the weather. The approximate size of the triangular plaza is 30 feet x 70 feet.

Notwithstanding anything to the contrary contained in the Development Plan, the commercial main street will have an approximate width of 110 feet, from curb to curb. Pedestrian crossings will clearly indicate where pedestrians have the right-of-way. Pavers or a similar quality material will be used as frequent accent surface material within the street.

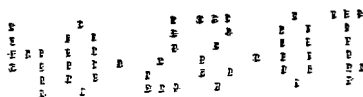
The Developer may block some or all of 47<sup>th</sup> Street within the Project at any time for festivals, fairs, and any other activities, and provided that such activities are open to the public, the Developer shall not be required to comply with City of Austin permitting procedures nor required to pay any fees for such closure; provided, however, that notwithstanding the foregoing, Developer's rights hereunder shall be subject to the requirements of Sections 1.j and 3 of the Triangle Master License Agreement among the City of Austin, SV Triangle Limited Partnership, and 2001 Triangle, Ltd.

Section B: illustrate building massing and landscaping along 47<sup>th</sup> Street and how these all relate to the street itself, to parking areas and sidewalks. Dimensions provided illustrate the desired proportions for each element found between building fronts/edges.

## G7 46<sup>TH</sup> STREET

Conceived as a residential-dominant urban space, it runs on an east-west axis defined by residential buildings and Triangle Commons to its north and residential buildings to its south. Notwithstanding anything to the contrary contained in the Development Plan, the residential lane will have an approximate width of 24-44 feet, from curb to curb. Please refer to Section F-F, as an illustrative example of this street. Benches, shade trees, pedestrian-scaled lighting, landscaping, and other amenities will be provided along the residential lane.

Midway along the street, across from Triangle Commons, a roundabout or traffic circle, will provide additional traffic calming. Pavers or similar quality material will be used as frequent accent surface material within the street.





## G8 REQUIRED RETAIL BUILDING FRONTAGE; PARKING ALONG LAMAR

In order to ensure that the development will preserve the urban character of the Concept Plan, required retail building frontage zones have been developed. Please refer to Building Block 7 in the Concept Plan for the retail frontage configuration. The placement of the retail buildings along the Lamar frontage was determined in order to: a) create an urban character that would provide enough activity on external as well as internal corridors, b) provide visual screening from Lamar of the large surface parking areas associated with the retail portion of the development. The intermittent use of canopies on retail building frontage is strongly suggested as a means of providing shade for sidewalk areas. Refer to the Concept Plan for maximum width of View Corridors into the Property from Lamar Boulevard.

Buildings fronting Lamar and Guadalupe will address, architecturally, both the interior of the site as well as the surrounding streets, in order to create an active pedestrian edge along interior as well as exterior pedestrian and vehicular corridors. Wherever practical, stores will provide entrances from Lamar Boulevard. Any parallel parking spaces created for the Project adjacent to and servicing Lamar Boulevard shall be located on the Project property owned by the State outside the right of way of Lamar.

## G9 PROJECT ENTRANCES

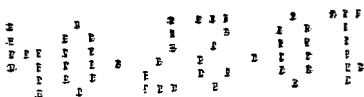
The two intersections of Guadalupe and Lamar and 47<sup>th</sup> Street, should clearly indicate their importance as primary entrances to the development. To accomplish this, the Project will incorporate architectural elements at those entrances (e.g.: increase in building height, facade indentations, etc.) which will clearly indicate the importance of these entrances when compared to how secondary intersections are treated.

## G10 PROJECT DRIVEWAYS

Project Driveways #1,3,4,5,6,7, and 8, are considered fixed except to allow for building footprints to shift as permitted under the Building Flexibility Zone guideline (see G1). Final location of Driveway #2 will be allowed to change, if necessary, in order to provide better freight access to any businesses situated within the area bounded by Lamar Boulevard, 46<sup>th</sup> Street, 47<sup>th</sup> Street, and Triangle Boulevard, or if required for other technical or aesthetic reasons. Additional driveways may be approved at the time of and in connection with site development approval by the City. As a general approach to locating driveways, the location of mature trees along the Guadalupe and 45<sup>th</sup> Street frontage should be considered as a major criterion prior to selecting the final entryways locations.

Notwithstanding the above, entrances to parking garages may be added, deleted or shifted to accommodate the final design.

## G11 BUFFER ZONE FOR EXISTING STATE USES





A visual and physical buffer zone will be provided in order to create a transitional area between the existing Children's Psychiatric Unit (CPU) and the commercial development. This buffer may consist of landscaping, a fence or a wall, or a combination of both. The development will limit, as much as possible, late night activity along this edge of the Property and views into the yard areas of the CPU.

#### G12 DELINEATION OF STATE OFFICE TRACT

A physical delineation of the northern boundary of the State's 5-acre tract will be part of the landscape/hardscape plan for the site. This delineation could take the form of a trail of stones or other appropriate material, in combination with landscaping, sculpture, or other site amenities.

#### G13 NOISE POLLUTION & VISUAL INTRUSION CONTROL

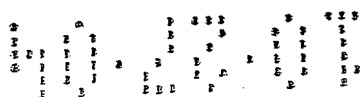
Mechanical rooms, rooftop A/C unit systems, dumpsters, etc., create visual and noise pollution that, if not contained, will affect the ambiance and the quality of the Triangle development. Thus, it is required that any at-ground or rooftop mechanical systems or dumpsters be visually screened from public view from the adjacent right-of-way at the street level. In addition, noise abatement wall construction will be required around mechanical rooms/systems to the extent necessary in order to prevent unreasonable, objectionable or annoying noise levels filtering out to the Civic Open Space Zones, adjacent structures or adjoining neighborhoods creating a public nuisance. Also, all utility transformers and aboveground utility lines will be located within 20 feet of buildings within the Project.

#### G14 ARCHITECTURE DESIGN CONCEPT

In order to ensure compatibility between the Triangle Square development and its surrounding commercial and residential neighborhoods, the architecture style of all buildings will incorporate design elements that will enhance the pedestrian experience by incorporating human-scale proportions (e.g.: building facades should recognize a base, a body and a top, as distinct elements of the structure). In addition, modulation along street facades will enhance building elevations and create a more interesting and varied pedestrian experience. These facade variations may include building recesses and/or projections, distinct building entrances, the use of canopies that extend across the sidewalk, etc. Long, uninterrupted wall facades, typical of strip mall development, will not be permitted. The General Land Office, on behalf of the Permanent School Fund, will be the final arbiter of the architecture style of the development.

#### G15 LANDSCAPE DESIGN CONCEPT

The landscape design guidelines proposed for Triangle Square will provide the same or more landscape area, street trees, buffering and irrigation components as are required in the typical City of Austin Landscape Ordinance Plan. The difference between the guidelines for Triangle Square and the City of Austin Code is the location and configuration of the landscape areas and the streetyard



trees. Due to the highly urban nature of this Project, the tree placement and location of the landscape areas are designed to support the need for public spaces, street tree plantings, raised planters over underground parking structures, the additional landscape areas (shrub, groundcover and annual color paintings), pedestrian-scaled furniture and planters, and the substantially upgraded size of most of the proposed trees will provide for a landscape improvement that exceeds City of Austin Code. The mechanism for this is via alternate compliance as described in Exhibit H.

#### G16 BUILDING BLOCKS - GENERALIZED PERMITTED USES

In order to activate the streetscape along Guadalupe Street and Lamar Boulevard, the residential building blocks that front these streets are strongly encouraged to incorporate live/work (Flex Space) units at ground level. In order to provide certainty regarding issues concerning vertical integration, compatibility between adjacent structures, and overall land use mix, the following building blocks with their permitted uses have been identified:

- Building Block 1: Residential including multifamily (dominant use), flex space, retail, office, restaurants.
- Building Block 2: Residential including multifamily (dominant use), flex space, retail, office, restaurants.
- Building Block 3: Residential including multifamily (dominant use), flex space, retail, office, restaurants.
- Building Block 4: Residential including multifamily (dominant use), flex space, retail, office, restaurants.
- Building Block 5: Retail (dominant use/no individual liquor store allowed), residential, restaurant, flex space, office, civic.
- Building Block 6: Retail (dominant use), office, residential, restaurant.
- Building Block 7: Retail (dominant use/no liquor stores allowed), office, residential, restaurant.

#### G17 PEDESTRIAN ENVIRONMENT

In addition to the development's commercial, residential and open space uses, the development is intended to become a significant pedestrian district within the City. Every effort should be made to make the pedestrian environment safe, accessible and comfortable. Pedestrian features shall include such amenities as durable, high quality sidewalk materials, shade trees and structures, benches, canopies and highly visible crossings. Areas where vehicular traffic and pedestrian traffic are in conflict (i.e.: where parking garage entries cross the sidewalk, and in the section of 47<sup>th</sup> Street, where the urban plaza and the Triangle Commons are located directly across from each other), the design of such areas shall clearly indicate that the pedestrians have the right-of-way. This may be indicated through the choice of paving materials (i.e.: continuing the sidewalk material across the driveway or street), signage, etc.

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2004 Oct 22 02:44 PM 2004200716

BENAVIDESV \$42.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

## **EXHIBIT F - C14-2015-0112**

### **RESOLUTION NO. 000817-48 -A**

**WHEREAS**, the State of Texas declared as surplus property approximately 22 acres in the area that is bounded by Guadalupe, Lamar and 45<sup>th</sup> Streets, known as the "Triangle"; and

**WHEREAS**, after a successful bidding process, the Texas Department of Mental Health and Mental Retardation, as guardian of the land, entered into an agreement with Cencor Realty Services, as the Developer, to develop a commercial project on the site, known as the "Triangle Square Project (the "Project"); and

**WHEREAS**, the surrounding neighborhoods opposed the original development plan for the proposed Project and the City of Austin subsequently rejected the plan because of the proposed uses; and

**WHEREAS**, the City of Austin intervened to help work out a solution for the Project that would address the needs of all of the stakeholders, and through a series of sessions with all stakeholders involved, developed a new Project design that was approved by the stakeholders and the State Special Board of Review; and

**WHEREAS**, as a result of this work, a mixed use development was conceived that contained a large amount of green space and an overall density that was approved by the neighborhoods, but created a Project that is not economically viable without financial assistance; and

**WHEREAS, the proposed Project is located within the City of Austin's Desired Development Zone and qualifies for support from the City of Austin under the Smart Growth Matrix; and**

**WHEREAS, the City continues to demonstrate its commitment to Smart Growth by considering a package for support of the proposed Project that includes staff assistance, fee waivers, cost reimbursements and contributions to be offered to an entity willing to locate in the City's Desired Development Zone in the estimated amount of \$7,570,257; NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**The City Manager is directed and authorized to negotiate and execute a contract to approve support for the development of the proposed Triangle Square Project and any agreements necessary to implement the Water and Wastewater, Development Review and Inspection, Public Works and Transportation, Watershed Protection, Parks and Recreation and Redevelopment Services portions of the support package for the Triangle Square Project specified in the attached Exhibit.**

**Agreements under this Resolution must contain the following:**

- (1) Provision that water and wastewater improvements will be constructed by the Triangle Square Project with reimbursement by the City;**
- (2) For reimbursement by the City, the Triangle Square Project must follow**

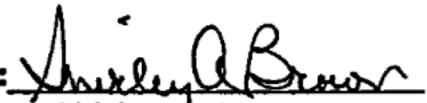
City procedures regarding competitive bidding.

**BE IT FURTHER RESOLVED:**

The City Manager is further directed to negotiate any additional agreement and to present to City Council any ordinance necessary to implement the incentive package for the Triangle Square Project specified in the attached Exhibit.

**ADOPTED:** August 17, 2000

**ATTEST:**

  
Shirley A. Brown  
City Clerk

PGR:ja  
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## **EXHIBIT**

### **TRIANGLE SQUARE PROJECT SUPPORT PACKAGE**

The City of Austin offers the following support package totaling approximately \$7,570,257 for the development of the Triangle Square Project in the Desired Development: Zone.

#### **Expedited Development Process Through an Assigned Team:**

- Expedited development review and inspection, including a dedicated project review and inspection team would be formed to move the Project through the approval process and assist in solving any problems incurred.

#### **Waived Development Fees Totaling \$230,000:**

- Preliminary estimates on development review and permit fee waivers would result in a savings to the project of \$230,000, as follows: Building Permits (\$90,060); Electric Permits (\$41,265); Plumbing Permits (\$39,915); Mechanical Permits (\$32,390); Site Plan and Environmental Review (\$10,769); Building Plan Review Fees (\$15,278); Driveway Permit (\$289); Sidewalk/Curb/Gutter Permit (\$34).

#### **Waived Inspection, Tap, and CRF/ Inspection Fees Totaling \$294,943:**

- The Water and Wastewater Utility estimates a savings to the Project of \$294,943 for 155,000 square feet of retail, 57,000 square feet of office and 650,000 square feet of residential space. .

#### **Water and Wastewater Cost Reimbursements Totaling \$1,605,883:**

- Cost reimbursements will be for 3, 6, 8 and 16-inch water lines, along with 8, 12 and 18-inch wastewater lines.



**City Funded Improvements Totaling \$70,300:**

- The City will incorporate the Lamar Boulevard entrance driveway into the TSM in the amount of \$70,300.

**Waiver of Street Closure Permit Fees Totaling \$300,000:**

- During construction of the Triangle Square Project, portions of various streets in the area will have to be closed for periods of time. The street closure permit fees for such closures totals \$300,000.

**Waiver of Traffic Signalization Participation Fees Totaling \$23,800:**

- Traffic signals for the 45<sup>th</sup> and Guadalupe, the Lamar and Guadalupe, and the 45<sup>th</sup> and Lamar Street intersections will be upgraded for the Project. and the Developer participation fees will be waived.

**Watershed Protection Department Contribution Totaling \$250,000:**

- As part of the Regional Detention Program, a contribution of \$250,000 will be made for flood control purposes.

**Future Trust and Agency Fund Contribution Totaling \$173,580:**

- A contribution from the Future Trust and Agency Fund in the amount of \$173,580 will be made for tree planting in the rights-of-way.

**Future General Fund Transfers Totaling \$4,282,751:**

- Future transfers from the General Fund will be made to the Public Works and Transportation Department in an amount not to exceed \$1,082,751 for public street construction and to the Parks and Recreation Department in an amount not to exceed \$3,200,000 for the acquisition of approximately 5.9 acres of open space to be dedicated as parkland and a stormwater detention facility in the Project. This is a dual purpose acquisition to be used for park and recreational purposes and a stormwater detention facility. The parkland will be subject to the construction, operation and maintenance of a regional stormwater detention facility.



## **EXHIBIT G - C14-2015-0112**

**ORDINANCE NO. 000817-48-B**

**AN ORDINANCE WAIVING CERTAIN FEES, AUTHORIZING COST REIMBURSEMENTS AND CITY FUNDED IMPROVEMENTS AND CONTRIBUTIONS FOR TREE PLANTING, A STORMWATER DETENTION FACILITY AND PARKLAND ACQUISITION, AND WAIVING CERTAIN REQUIREMENTS UNDER CHAPTER 25-9 OF THE CITY CODE FOR DEVELOPMENT OF THE TRIANGLE SQUARE PROJECT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

### **PART 1. FEE WAIVERS.**

The Council waives the following fees for the development of the Triangle Square Project ("Project") in the City of Austin's Desired Development Zone by Cencor Realty ("Developer"):

- (1) site plan fees and environmental review fees in an amount not to exceed \$10,769;
- (2) building plan review fees in an amount not to exceed \$15,278;
- (3) building permit fees in an amount not to exceed \$90,060;
- (4) electric permit fees in an amount not to exceed \$41,265;
- (5) plumbing permit fees in an amount not to exceed \$39,915;
- (6) mechanical permit fees in an amount not to exceed \$32,390;
- (7) driveway permit fee in an amount not to exceed \$289;
- (8) sidewalk/curb/gutter permit fees in an amount not to exceed \$34;
- (9) water and wastewater inspection, taps, and CRF/Inspection fees on nine domestic meters and 12 irrigation meters in an amount not to exceed \$294,943;
- (10) temporary use of right of way fees under Section 15-12-135 of the City Code in an amount not to exceed \$300,000; and

(11) traffic signalization participation fees for the 45th and Guadalupe, the Lamar and Guadalupe, and the 45th and Lamar Street intersections in an amount not to exceed \$23,800.

## **PART 2. COST REIMBURSEMENTS.**

The City Manager may negotiate and execute cost reimbursement agreements with the Developer for the construction of on-site water and wastewater improvements at the Project in an amount not to exceed \$789,883 and off-site 18-inch wastewater line improvements in an amount not to exceed \$816,000.

## **PART 3. CITY FUNDED IMPROVEMENTS.**

The City Manager may incorporate the Lamar Boulevard entrance driveway into the Traffic System Management program in an amount not to exceed \$70,300.

## **PART 4. CONTRIBUTION TRANSFERS.**

The City Manager may make the following transfers for the development of the Project:

- (1) a maximum of \$250,000 from Watershed Protection for regional flood control in the Project;
- (2) a maximum of \$339,000 from Redevelopment Services for the installation of street lights in the Project in fiscal year 2001; and
- (3) a maximum of \$173,580 from the Future Trust and Agency Fund for tree planting in the rights-of-way adjacent to the Project.

## **PART 5. GENERAL FUND TRANSFERS.**

The City Manager may transfer from the General Fund to the Public Works and Transportation Department an amount not to exceed \$1,082,751 for public street construction in the project and an amount not to exceed \$3,200,000 to the Parks and Recreation Department for the acquisition of approximately 5.9 acres of open space to be dedicated as parkland and a stormwater detention facility in the Project. This is a dual purpose acquisition for park and recreational purposes and a stormwater detention facility.

## PART 6. CODE WAIVERS.

The Council waives the following City Code requirements for the Project:

- (1) Section 25-9-39 that fiscal security be posted;
- (2) Section 25-9-61 relating to eligible projects for cost reimbursement;
- (3) Section 25-9-63 relating to amount of cost reimbursement;
- (4) Section 25-9-65 relating to the approval process of cost reimbursement projects;
- (5) Section 25-9-67 relating to the reimbursement schedule;
- (6) Section 25-9-325 requiring that water and wastewater meter and capital recovery be paid before a tap permit is issued; and
- (7) the procedural requirements of Sections 2-2-3 and 2-2-7 of the City Code.

PART 7. This ordinance takes effect on August 28, 2000.

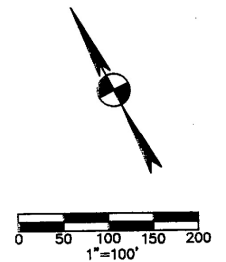
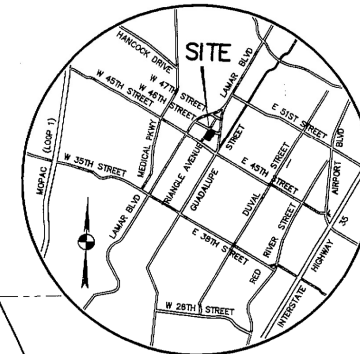
## PASSED AND APPROVED

August 17, 2000      §  
§  
§ Kirk Watson  
Kirk Watson  
Mayor

APPROVED: Andrew Martin      ATTEST: Shirley A. Brown  
Andrew Martin      Shirley A. Brown  
City Attorney      City Clerk

200700112

# TRIANGLE SUBDIVISION



## LEGEND

- 1/2" IRON ROD WITH CAP SET
- ..... SIDEWALK

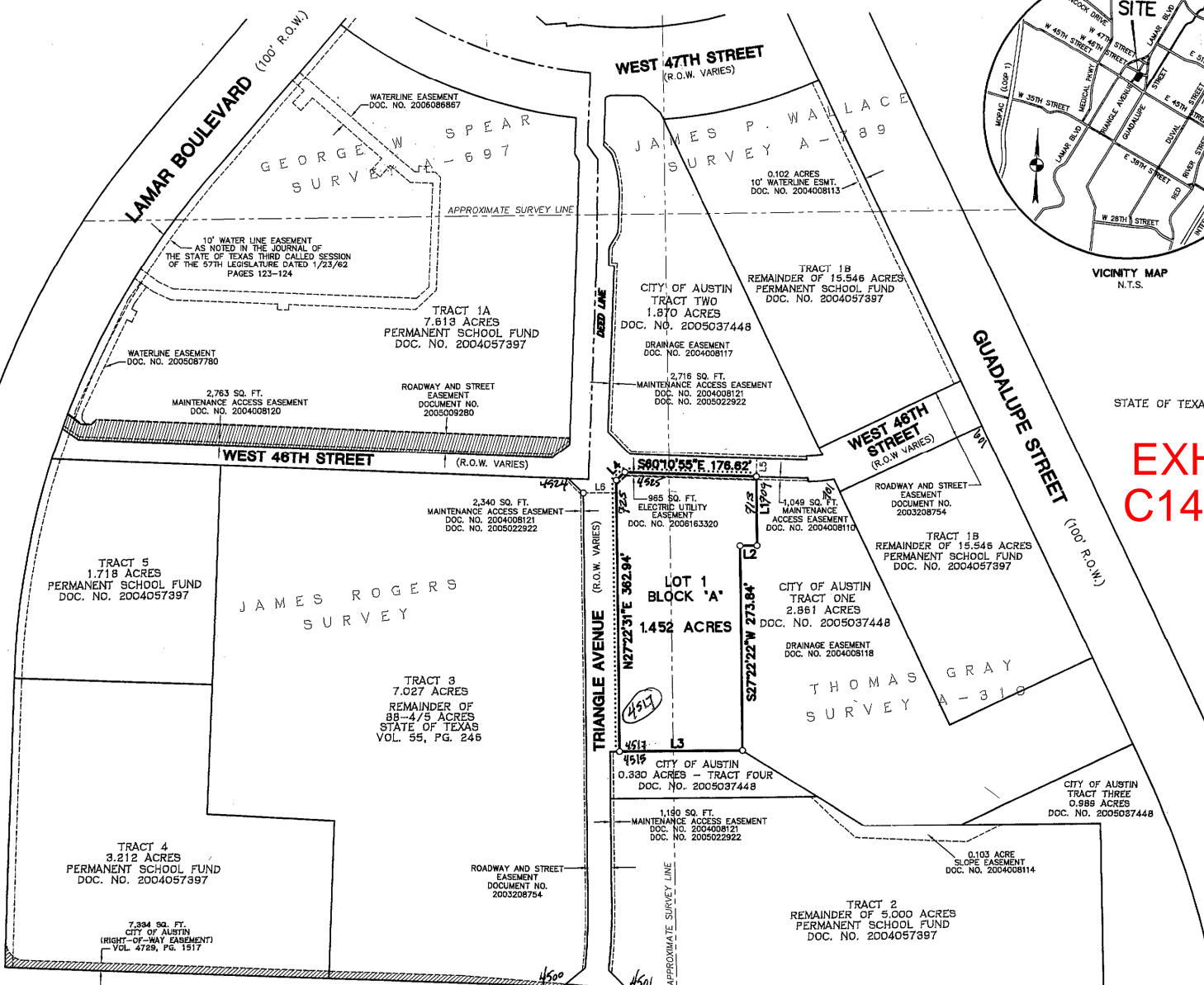
VICINITY MAP  
N.T.S.

STATE OF TEXAS

## EXHIBIT H - C14-2015-0112

### LINE TABLE

No.	Bearing	Distance
L1	S27°37'15"W	92.50'
L2	N62°22'16"W	22.85'
L3	N62°37'05"W	165.00'
L4	N74°49'05"E	15.98'
L5	N29°49'05"E	25.00'
L6	N62°37'29"W	44.50'



WEST 45TH STREET (R.O.W. VARIES)

AUSTIN STATE HOSPITAL  
STATE OF TEXAS  
VOL. L, PG. 366  
VOL. M, PG. 129  
VOL. Q, PG. 574  
VOL. 55, PG. 245

12.548 SQ. FT.  
CITY OF AUSTIN  
(RIGHT-OF-WAY EASEMENT)  
VOL. 10498, PG. 896

## TRIANGLE SUBDIVISION

A ONE LOT SUBDIVISION  
CONSISTING OF 1.452 ACRES

DATE: MARCH 2007  
PREPARED BY:

**Bury+Partners**  
ENGINEERING SOLUTIONS  
221 W. C. Street Suite 00 Austin, Texas 787  
Tel. (512)328-0011 Fax (512)328-0325  
Bury+Partners, Inc. ©Copyright 2007

Drawn by: MJJ Approved by: MJJ Project No.: 1159-19.20 File: H:\368\31\36831PL1.dwg

C8-06-0207.OA

13126



200700115

STATE OF TEXAS X  
COUNTY OF TRAVIS X

KNOW ALL MEN BY THESE PRESENTS X

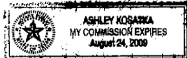
# TRIANGLE SUBDIVISION

THAT SV TRIANGLE LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP, ACTING BY SIVE RESIDENTIAL, INC. ITS GENERAL PARTNER THROUGH WARREN WALTERS, VICE-PRESIDENT, OWNER OF THAT CERTAIN 1.452 ACRE TRACT OF LAND OUT OF THE JAMES ROGERS SURVEY AND THE THOMAS GRAY SURVEY SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 1.452 ACRES OF LAND HAVING BEEN CONVEYED TO SV TRIANGLE LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NO. 2006090301 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; DO HEREBY SUBDIVIDE SAID 1.452 ACRES OF LAND IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS "TRIANGLE SUBDIVISION", AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS HEREON, SUBJECT TO ANY EASEMENTS PREVIOUSLY GRANTED BUT NOT RELEASED, PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE AND TITLE 25 OF THE AUSTIN CITY CODE.

SV TRIANGLE LIMITED PARTNERSHIP,  
A TEXAS LIMITED PARTNERSHIP

BY: Warren Walters 3/27/07  
WARREN WALTERS, VICE-PRESIDENT  
SIVE RESIDENTIAL, INC.  
221 WEST 6TH STREET, SUITE 1900  
AUSTIN, TEXAS 78701

STATE OF TEXAS X  
COUNTY OF TRAVIS X



THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 27th DAY OF March, 2007, BY Warren Walters KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT FOREGOING INSTRUMENT WAS EXECUTED FOR THE PURPOSES THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27th DAY OF March, 2007 A.D.

Ashley Kasatzka August 24, 2009  
NOTARY PUBLIC MY COMMISSION EXPIRES  
IN AND FOR THE STATE OF TEXAS.

## LIEN HOLDERS ACKNOWLEDGMENT

BY: Tim Waikem  
TIM F. WAIKEM, SENIOR VICE PRESIDENT  
JPMORGAN CHASE BANK, N.A., A NATIONAL BANKING ASSOCIATION

STATE OF TEXAS X  
COUNTY OF TRAVIS X



THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 28th DAY OF March, 2007, BY Timothy Waikem KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT FOREGOING INSTRUMENT WAS EXECUTED FOR THE PURPOSES THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 28th DAY OF March, 2007 A.D.

Timothy Waikem 10-20-07  
NOTARY PUBLIC MY COMMISSION EXPIRES  
IN AND FOR THE STATE OF TEXAS.

## FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN, AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON COMMUNITY PANEL NO. 4845300165 E, DATED JUNE 16, 1993 FOR TRAVIS COUNTY, TEXAS, AND INCORPORATED AREAS.

## ENGINEER'S CERTIFICATION:

I, CHARLES E. FOWLER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1999, AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Charles E. Fowler  
CHARLES E. FOWLER, P.E.  
TEXAS REGISTRATION NO. 85482  
BURY & PARTNERS, INC.  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78748

DATE  
3-27-2007



## GENERAL NOTES:

1. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM.
  2. WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE OR HAS BEEN DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN STANDARDS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN WATER AND WASTEWATER DEPARTMENT FOR REVIEW.
  3. FACILITIES FOR OFF-STREET LOADING AND UNLOADING SHALL BE PROVIDED FOR ALL NON-RESIDENTIAL SITES.
  4. ALL STREETS, DRAINAGE, SIDEWALKS, WATER AND WASTEWATER LINES, AND EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN STANDARDS.
  5. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION ON ALL LOTS IN THIS SUBDIVISION REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT PERMIT.
  6. NO BUILDING, FENCES, LANDSCAPING OR OTHER SUCH STRUCTURES ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY CITY OF AUSTIN THROUGH THE MASTER DEVELOPMENT AGREEMENT AND TRIANGLE MASTER LICENSE AGREEMENT (2004008109).
  7. PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITY.
  8. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
  9. PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS: 46TH STREET AND TRIANGLE AVENUE. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY (LDC 25-6-351).
  10. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH THE MASTER DEVELOPMENT AGREEMENT AND TRIANGLE MASTER LICENSE AGREEMENT (2004008109).
  11. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
- ALL FINISHED SLAB ELEVATIONS IN THIS SUBDIVISION SHALL BE 1.0 FOOT MINIMUM ABOVE THE 100 YEAR FREQUENCY FLOOD LEVEL. THE FOLLOWING MINIMUM ELEVATIONS ARE HEREBY SET FOR THE AFFECTED LOTS:
- | LOT | BLOCK | ELEVATION |
|-----|-------|-----------|
| 1   | "A"   | 646.75'   |
- NO FILL SHALL BE PLACED, OR ALLOWED TO REMAIN, ON THESE LOTS EXCEPT BY SEPARATE PERMIT.
12. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
  13. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING, AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
  14. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, VEGETATION AND TREE PROTECTION FOR ELECTRIC UTILITY WORK REQUIRED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT.
  15. ANY ELECTRIC UTILITY ACTIVITY INSIDE THE SUBDIVISION SHALL BE INCLUDED UNDER THE DEVELOPMENT PERMIT.
  16. ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT OWNERS EXPENSE.
  17. ALL LOTS IN THE MASTER DEVELOPMENT AGREEMENT AND TRIANGLE MASTER LICENSE AGREEMENT (2004008109), ARE RESTRICTED TO USAGE OTHER THAN SINGLE-FAMILY OR DUPLEX.
  18. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, PURSUANT TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE SECTION 25-8-181, AND THE ENVIRONMENTAL CRITERIA MANUAL.
  19. THE SITE IS LOCATED IN UPSTREAM OF THE HEMPHILL BRANCH OF THE WALLER CREEK WATERSHED, WHICH IS CLASSIFIED AS AN URBAN WATERSHED BY CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
  20. WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT PURSUANT TO THE LDC SECTION 25-8-211.
  21. THIS SITE DOES NOT LIE WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
  22. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.
  23. DEVELOPMENT OF RESIDENTIAL LAND USES SHALL BE LIMITED TO 320 TOTAL DWELLING UNITS.

## SURVEYOR'S CERTIFICATION:

I, MARK J. JEZISEK, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 25 OF THE AUSTIN CODE OF 1999, AS AMENDED, AND WAS PREPARED FROM AN ACTUAL ON THE GROUND SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

Mark J. Jezisek 3/29/07  
MARK J. JEZISEK, R.P.L.S.  
TEXAS REGISTRATION NO. 5267  
BURY & PARTNERS, INC.  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78748



THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE CITY LIMITS OF THE CITY OF AUSTIN ON THIS THE 12th DAY OF April, 2007.

## CITY CERTIFICATIONS:

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS. THIS THE 12th DAY OF April, 2007, A.D.

Victoria Hsu  
VICTORIA HSU, DIRECTOR  
WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE ZONING AND PLATTING COMMISSION OF THE CITY OF AUSTIN ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007, A.D.

Betty Baker  
CHAIRPERSON

Deanne Hammond  
SECRETARY

STATE OF TEXAS X  
COUNTY OF TRAVIS X

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 18th DAY OF April, 2007, A.D. AT 1:26 O'CLOCK P.M., AND DULY RECORDED ON THE 18th DAY OF April, 2007 A.D. AT 1:26 O'CLOCK P.M., OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. 200700115

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 18th DAY OF April, 2007, A.D.

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

BY: J. Cortez  
DEPUTY

FILED FOR RECORD AT 1:26 O'CLOCK P.M. THIS THE 18th DAY OF April, 2007 A.D.

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

BY: J. Cortez  
DEPUTY

## TRIANGLE SUBDIVISION

A ONE LOT SUBDIVISION  
CONSISTING OF 1.452 ACRES

**Bury+Partners**  
ENGINEERING SOLUTIONS  
221 W 6th Street Suite 600 Austin, Texas 787  
Tel. (512)328-0011 Fax (512)328-0325  
Bury+Partners, Inc. ©Copyright 2007

DATE: MARCH 2007  
PREPARED BY:

Drawn by: MJJ Approved by: MJJ Project No: 1159-19.20 File: H:\368\31\36831PL1.dwg

C8-06-0207.0A